

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 5 September 2022 at 5.30pm

Kingborough Councillors 2018 - 2022



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor Clare Glade-Wright



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 17 to be held on Monday, 5 September 2022 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Gary Arnold
GENERAL MANAGER

Tuesday, 30 August 2022

Public Copy

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GUIDELINES FOR PUBLIC QUESTIONS

Section 31 of the *Local Government (Meeting Procedures) Regulations 2015*

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 5 September 2022 at 5.30pm

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
Deputy Mayor Councillor J Westwood
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor C Glade-Wright
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.16 held on 15 August 2022 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

22 August - DDA Compliance for Bus Stops

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 NOTICE OF PERFORMANCE IMPROVEMENT DIRECTION

Author: Gary Arnold, General Manager

1. DISCUSSION

- 1.1 Advice has been received from the Minister for Local Government and the Director of Local Government of a Performance Improvement Direction issued to Cr David Grace following his actions during a public meeting of Council on 6 June 2022. A copy of a letter from the Minister for Local Government dated 11 August 2022 and a letter from the Director of Local Government dated 10 August 2022, are attached to this report.
- 1.2 The Director of Local Government has requested that each letter be tabled in the next available Council agenda and that his letter be read out during an open meeting of Council.

2. RECOMMENDATION

That Council resolve that the letters from the Minister for Local Government and the Director of Local Government be received.

ATTACHMENTS

1. Letter from Director of Local Government
2. Letter from Minister for Local Government

Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au



Cr Paula Wreidt
Mayor
Kingborough Council
Email: cr.paulawreidt@kingborough.tas.gov.au

Dear Mayor

As you are aware, I have been investigating the potential breach of provisions of the *Local Government Act 1993* and the *Police Offence Act 1935* associated with the behaviours of Councillor David Grace at the meeting of 6 June 2022. I have recently written to Councillor Grace advising him of the outcome of this investigation.

The behaviour of Councillor Grace at the Council meeting of 6 June 2022 was clearly unacceptable. It was aggressive, causing distress and concern for other Councillors and staff at the meeting. It was also highly disruptive, leading to a break in the proceedings of the Council in order to re-establish order and regain some sense of constructive control over proceedings.

Councillor Grace's behaviour at this meeting, in my opinion, falls short of the statutory obligation of Councillors to work individually and collectively in the best interests of the community. It also directly impacts on the obligation of the Mayor (or Deputy Mayor on this occasion) and the General Manager to maintain a safe workplace as required by the *Work Health and Safety Act 2012*.

I believe that I have sufficient evidence to refer this issue to the Director of Public Prosecutions for prosecution for two separate offences, being Regulation 40(3) of the *Local Government Meeting Procedures) Regulations 2015* (failure to leave a meeting when suspended) and Section 20 of the *Police Offences Act 1935* (misbehaviour at a public meeting). However, I note that Councillor Grace has accepted that his behaviour was improper and that the Minister for Local Government, Nic Street MP, has issued a Performance Improvement Direction requiring, in part, that there is no repeat of this behaviour for at least 12 months. On this basis, I consider that there is no public interest in pursuing these charges at this stage.

A primary objective of the offence provisions of both the *Local Government Act 1993* and the *Police Offences Act 1935* is to discourage aggressive and disruptive behaviour in Council and other public meetings. I will reconsider the public interest in pursuing these charges if there is any suggestion that this behaviour is ongoing.

Insert CM reference

2

I appreciate Councillor Grace's apology to the Council for his behaviour following the incident on 6 June 2022 and his acknowledgement that this behaviour was not acceptable. I also recognise his extended period of highly valued service to the Kingborough community as a Councillor for over 22 years. I am confident that his positive contribution over that time is, and will continue to be recognised by the Kingborough community.

Given the public nature of the incident of 6 June 2022, I would appreciate you tabling and reading this letter at an open meeting of Council at the next appropriate opportunity.

Yours sincerely



Mathew Healey
Director of Local Government

10 August 2022

Public Copy

Minister for Community Services and Development
Minister for Hospitality and Events
Minister for Local Government
Minister for Sport and Recreation
Leader of the House

Level 5, 4 Salamanca Place, HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7794
Email: nic.street@dpact.as.gov.au



11 AUG 2022

Cr Paula Wriedt
Mayor
Kingborough Council
cr.paulawriedt@kingborough.tas.gov.au

Notice of Performance Improvement Direction issued to Councillor David Grace

Dear Mayor

I write to inform you that I have issued a Performance Improvement Direction to Cr David Grace in light of his actions during a public meeting of Kingborough Council (Council) on 6 June 2022.

I have considered your submission to me of 5 August 2022, the submission of Cr Grace and the previous recommendation of the Director of Local Government under section 214L of the *Local Government Act 1993* and considered it appropriate to issue the following Performance Improvement Direction.

In accordance with Part 12B, section 214M of the Local Government Act 1993, I, Nicholas Adam Street, in my capacity as the Minister of Local Government, direct that you, David Grace, while holding of the office of Councillor at Kingborough Council:

- 1.) Immediately upon receipt, comply with your existing statutory obligations imposed under;
Regulation 40(3), Suspension from meeting, of the Local Government (Meeting Procedures) Regulations 2015; and
Sections 20(1)(a) and 20(1)(b), Misbehaviour at public meetings, of the Police Offences Act 1935; and*
- 2.) Within 7 (seven) days of receipt, familiarise yourself with the above-mentioned statutory obligations and provide a Statutory Declaration to that effect, to the Director of Local Government; and*

This direction applies for a period not exceeding 12 months from the date of receipt; and within this period, failure to comply with the direction may result in you, David Grace, being suspended from the Office of Councillor for a period not exceeding 6 (six) months.

Given the impact of this behaviour on other Councillors, Council staff and the operation of the Council, it would be appreciated if you could table this letter at the next meeting of the Kingborough Council.

I appreciate your assistance with this issue.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nic Street".

Nic Street MP
Minister for Local Government

10 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

11 QUESTIONS ON NOTICE FROM THE PUBLIC

11.1 Public Open Space Funds

AJ Kingston submitted the following question on notice:

1. *Would Council please provide a record of the contributions to, and the expenditure of, the Public Open Space account?*
2. *What is the origin of each contribution to the Public Open Space fund? Please specify the amount received, as well as the location of the subdivision, land sale or other activity that each contribution relates to?*
3. *Which projects have received funding from the Public Open Space account? Please specify the location of the projects and the amount of funding received?*
4. *Which projects have been allocated funding from the Public Open Space account but are awaiting expenditure? Please specify the location and the amount allocated?*

Officer's Response:

It is no longer Council Policy to record Public Open Space Contributions and Allocations by location. The movement in the Public Open Space Account for 2021/22 is:

CONTRIBUTIONS RECEIVED

Date	Details	
15/07/21	Contribution: 2 Bowral Court, Kingston	3,313.00
16/08/21	Contribution: 23 Willowbend Road, Kingston	9,700.00
1/09/21	Return funding for Silverwater Park funding not spent	220,000.00
7/09/21	Contribution: 104 Apolline Drive, Kingston	3,500.00
7/09/21	Contribution: Grand Mews, Kingston & Eldridge Drive, Kingston	80,000.00
7/09/21	Contribution: 106 Apolline Drive, Kingston (73 Spring Farm Road, Kingston)	7,600.00
7/09/21	Contribution: Rodway Court, Kingston & Homestead Place, Kingston	116,000.00
8/09/21	Contribution: 21 Thistle Down, Huntingfield	5,000.00
10/09/21	Contributions: 60 Tabors Road, Margate	3,000.00
	Contribution: 86 Burwood Drive Blackmans Bay (Lomandra Drive, Blackmans Bay)	
22/09/21		21,800.00
26/11/21	Contribution: 29 & 31 Snug Tiers Rd, Snug	1,863.00
30/11/21	Contribution: 37-59 Maranoa Road & 99 Channel Highway, Kingston	2,725.00
12/01/22	Contribution: 16 Dillons Rd & 3800 Bruny Is Main Rd	44,000.00
3/02/22	Contribution: 19 Blowhole Road, Blackmans Bay	4,250.00
1/03/22	Proceeds Sale 281 Roslyn Ave	382,190.55
13/05/22	Contribution: 299 Pelverata Road, Sandfly	3,900.00
30/06/22	Proceeds Sale Harvey Road Footway, Alonnah	5,000.00
30/06/22	Contribution: 44 Roslyn Avenue, Kingston	8,250.00

FUNDS ALLOCATED

Date	Details	
1/09/21	Funding for Willowbend Park Upgrade	(137,500.00)
1/09/21	Funding for Louisa Hinsby Park	(125,000.00)
1/09/21	Funding for NW Bay River Trail Stage 1	(188,000.00)
1/09/21	Funding for Dru Point Playground 50%	(247,500.00)
1/03/22	Funding for Alamo Close	(220,000.00)
Closing Balance 30/06/2022		996,796.32
Less Projects Committed, yet to be taken from POS		
Spring Farm or Whitewater Park		195,009.00
Public Open Space Uncommitted Balance		801,787.32
Commitments yet to be taken from Public Open Space, to be funded by land sales		
Donohoe Gardens (Funded by sale of 41 Hiern Road)		275,000.00
Funds to come to Public Open Space		
Sale of 110 Channel Highway (Funds already used for Louisa Hinsby Park \$125,000)		

Tim Jones, Manager Finance

11.2 Various Infrastructure Queries, Margate

Mr Joe Ellis submitted the following question on notice:

- 1. Construction has recently begun on the large retail development in Margate town centre. Is Council working with the developer, Department of State Growth and neighbouring businesses/landowners to optimise future traffic flow and road safety for all road users?*
- 2. Has the developer's proposal for a possible park and ride been discussed, and will Council be encouraging/facilitating the provision of bicycle parking and storage for commuters as well as shoppers?*
- 3. Is it possible for the Kingborough Bike Network to include a route from one side of the Channel Highway to the other please? There are multiple destinations on both sides and safety concerns have been raised many times by the community. Any recommendations by Council would assist when advocating for the state government to address this issue.*
- 4. Shared paths, underpasses, bicycle parking facilities and bus shelters are being installed in Kingston to encourage active and public transport use and reduce car use. Would Council please advise of the total funds allocated to connecting and improving public and active transport infrastructure in Margate in this financial year (including from the \$20M City Deal funding)? Which Margate projects or facilities will be funded?*

Officer's Response:

- A Traffic Impact Assessment was undertaken as part of the original development for the site that took into account traffic flows and road safety and the approval of the development was based on minimising the effects on the surrounding area.

2. The development is required to provide carparking and facilities for cyclists in accordance with the use requirements of the area. It is not envisaged that the carparking for the development will also be used for park and ride.
3. Council is currently working with the Department of State Growth (DSG) to look at the feasibility of an extension of the popular Snug to Margate shared path. Although this future link will provide better accessibility it is recognised that it is difficult to provide multiple crossing points across the Channel Highway to facilitate access to various attractions. Council will continue to advocate with Department of State Growth for future appropriate crossing points.
4. The two active transport related projects associated with Margate this financial year are the completion of the study for the continuation of the Snug to Margate shared path to Huntingfield and work on DDA compliant bus stops. The shared path linkage remains a high priority on Council's bike strategy and Council will be strongly advocating for funding in future years to pursue this. The DDA compliant bus stops are a current DSG project and designs are being considered for upgrades in particular on Channel Highway through Margate.

David Reeve, Director Engineering Services

12 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

13 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time the Agenda was compiled there were no Questions on Notice from Councillors.

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

14 OFFICERS REPORTS TO PLANNING AUTHORITY

14.1 DAS-2022-18 - DEVELOPMENT APPLICATION FOR SUBDIVISION (BOUNDARY ADJUSTMENT - NO ADDITIONAL LOTS CREATED) AT 149 BEACH ROAD AND 54 & 56 ESPLANADE, MARGATE

File Number: DAS 2022-18
Author: Timothy Donovan, Senior Planning Officer
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	PDA Surveyors
Owners:	Clancy Hartman; Hartman Holdings Pty. Ltd.; Julian John Hartman and Clancy Hartman.
Subject Site:	149 Beach Road and 54 & 56 Esplanade, Margate (CT 150136/1, CT 16974/1, CT 114946/1)
Proposal:	Subdivision (Boundary Adjustment - no additional lots created)
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area A)
Codes:	E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection (class 1) E16.0 Coastal Erosion Hazard (low) E25.0 Local Development
Use Class/Category:	Subdivision
Discretions:	Low Density Residential Zone Area A <ul style="list-style-type: none"> Cl.12.5.1 – Lot Design, Acceptable Solutions A1, A2 and A3. E16.0 Coastal Erosion Hazard Code <ul style="list-style-type: none"> Cl.E16.8.1 - Subdivision in Coastal Erosion Hazard Areas Acceptable Solutions A1, and A2.
Public Notification:	Public advertising was undertaken between 27 July 2022 and 9 August 2022 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Nil
Recommendation:	Refusal

1. PROPOSAL

1.1 Description of Proposal

The application proposes to adjust the boundaries for three adjoining Low Density Residential properties; 149 Beach Road and 54 and 56 Esplanade, Margate. The applicant advised that the amendment is proposed to better reflect the existing land use. There is no other development proposed as part of the application.

The proposed boundary adjustment involves the addition of 1226m² from the rear of 56 Esplanade to be added to 149 Beach Road; an area of 108m² from the north of 56 Esplanade being added to 54 Esplanade.

The table below shows the existing and proposed areas (including the difference) and the change to frontage lengths for each affected property:

Property	Existing Area	Proposed Area	Change in Area	Existing Frontage	Proposed Frontage
No. 149	1575m ²	2801m ²	+1226m ²	62.1m	62.1m
No. 54	590m ²	698m ²	+108m ²	19.0m	22.7m
No. 56	2175m ²	841m ²	-1334m ²	36.4m	32.7m

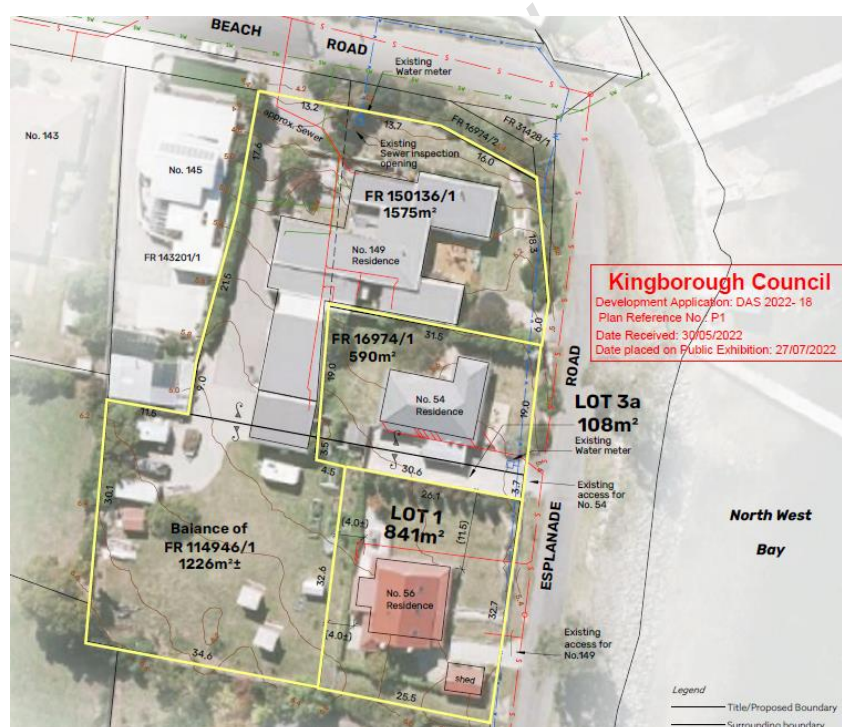


Figure 1 - Proposed Subdivision Plan (refer to Figure 2 for plan of existing layout)

1.2 Description of Site

The three properties are located at the corner of Beach Road and Esplanade, Margate being 149 Beach Road and 54 and 56 Esplanade, Margate and described as Lot 1 (CT150136/1) of 1575 m², Lot 1 (CT 16974/1) of 590m², and Lot 1 (CT114946/1) of 2175m² respectively.

The three properties each contain an existing dwelling, garage/carport and outbuildings. The land is relatively flat. The land has an elevation of less than 10m AHD due to the proximity to the coast.



Figure 2 - Aerial photo of existing lots for 149 Beach Rd and 54 and 56 Esplanade, Margate

2. ASSESSMENT

2.1 State Policies and Act Objectives

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

2.2 Strategic Planning

The relevant zone purpose statement of the *Low Density Residential Zone* is 12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

Within Clause 12.1.2, the Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant for Margate to the assessment of this application.

Local Area Objectives		Implementation Strategy
Other than those areas that are in close proximity to the town's commercial centre, Margate should be maintained as a residential community with a relatively lower housing density.	(a)	Future residential development is to be directed towards suitable new areas, rather than encouraging the infill of existing suburban areas at higher densities, except where this infill is in close proximity to the town's commercial centre.

Local Area Objectives		Implementation Strategy
Margate is zoned Low Density Residential in order to reflect existing settlement patterns and to retain existing coastal and/or visual landscape and natural environmental values.	(b)	Existing larger lot sizes are to be retained in order that to reflect existing settlement patterns and in some cases to retain coastal/landscape amenity.
Local residential roads, junctions and verges should be designed and provided for in a manner that facilitates the free flow of traffic and encourages bicycle and pedestrian access	(c)	Both new and existing roads should be designed to meet this objective, as well as there being a particular need to extend Dayspring Drive so that it extends north and connects on to the Channel Highway
Desired Future Character Statements		Implementation Strategy
There should be a mix of housing choice within Margate, while still retaining the residential amenity afforded by off-street parking, ample gardens and street setbacks	(a)	Multi-unit housing and aged care facilities should be limited to suitable areas closer to the town's main commercial area, with good access provided to local services
The existing neighbourhood character that is associated with the area's settlement pattern, landscape and environmental values should be protected.	(b)	The larger lots within this zone enable the existing local character of the area to be retained. Some coastal areas are serviced, but this zone will enable the protection of existing coastal, landscape and environmental values.

The proposal does not comply with the above-mentioned statements and objectives as it does not provide larger lots in residential areas, and does not retain lot sizes that reflect existing settlement patterns.

2.3 Statutory Planning

2.3.1 Application type

The application was lodged as a minor boundary amendment under Clause 9.3 'Adjustment of a Boundary' of the *Kingborough Interim Planning Scheme 2015*. A minor boundary adjustment is permitted subject to:

Clause 9.3.1 *An application for a boundary adjustment is permitted and a permit must be granted if:*

- (a) *no additional lots are created;*
- (b) *there is only minor change to the relative size, shape and orientation of the existing lots;*
- (c) *no setback from an existing building will be reduced below the applicable minimum setback requirement;*
- (d) *no frontage is reduced below the applicable minimum frontage requirement;*
and
- (e) *no lot boundary that aligns with a zone boundary will be changed.*

The application does not satisfy the requirements of Clause 9.3.1(b) because it is not a "minor" change to the relative size, shape and orientation of the existing lots; the boundary adjustment involves significant areas of land and changes to the boundaries and particularly to 149 Beach Road and 56 Espanade.

149 Beach Road would significantly increase in area (additional 1226m²), transferred from 56 Esplanade, thereby doubling its size. Its shape and dimensions will also have a major change due to the location of the area from the rear of 56 Esplanade to be transferred to it, resulting in a large irregular L-shaped lot. It is determined that the proposed boundary adjustment is not minor and is required to be assessed against the Development Standards for Subdivision in the Low Density Residential Zone and relevant Codes.

The applicant was advised during the Initial Assessment Period about the above issue in that the application is not considered to be a boundary adjustment under Clause 9.3. The issues that are discussed later in the assessment about non-compliance with the relevant provisions of the Scheme as a subdivision were also discussed. The Applicant was provided the opportunity to amend the application to comply as a minor boundary amendment or to withdraw the application, however they elected to continue with the application.

2.4 Clause 12.5 Development Standards for Subdivision

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

Low Density Residential

Zone 12.5.1 Development Standards for Subdivision

Acceptable Solution A1
The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities as specified in Table 12.1. Table 12.1: Low Density Residential Area A has a minimum lot size of 2,500m ² .
Performance Criteria P1
No Performance Criteria
Proposal
54 and 56 Esplanade have proposed areas of 698 m ² and 841 m ² respectively. 149 Beach Road proposes an area of 2,801m ² . <i>Note: No lots are for public open space, a riparian or littoral reserve or utilities.</i>

The proposed variation cannot be supported pursuant to this Performance Criteria of the Zone because the proposal does not satisfy the minimum lot size stipulated in the zone (Table 12.1), which is 2,500m². The subdivision provides three lots of 2801m², 698m², and 841m² respectively. Therefore, two of the three lots do not satisfy the minimum area requirement of the Acceptable Solution and there is no Performance Criteria available.

Pursuant to Clause 8.9 'Prohibited Use or Development' the Scheme states:

8.9 Prohibited Use or Development

8.9.1 A use or development must not be granted a permit if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is prohibited;
- (b) the use or development does not comply with an acceptable solution for an applicable standard and there is no corresponding performance criterion; or
- (c) it is prohibited under any other provision of the planning scheme.

Therefore, pursuant to Clause 8.9 Council must refuse the application.

**Low Density Residential
Zone 12.5.1 Development Standards for Subdivision**

Acceptable Solution A2

The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;

- (a) clear of the frontage, side and rear boundary setbacks;
- (b) not subject to any codes in this planning scheme;
- (c) clear of title restrictions such as easements and restrictive covenants;
- (d) has an average slope of no more than 1 in 5;
- (e) is a minimum of 20 m x 20 m in size.
- (f) No environmental values will be adversely impacted.

Performance Criteria P2

The design of each lot must contain a building area able to satisfy all of the following:

- (a) is reasonably capable of accommodating residential use and development;
- (b) meets any applicable standards in codes in this planning scheme;
- (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;
- (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;
- (e) avoids, minimises and mitigates environmental impact arising from future use and development;
- (f) offsets impacts on trees of high conservation value.

Proposal

The application does not comply with A2(b) as the subject properties are subject to Codes:

- E5.0 Road and Railway Assets
- E6.0 Parking and Access
- E7.0 Stormwater Management
- E10.0 Biodiversity
- E11.0 Waterway and Coastal Protection
- E16.0 Coastal Erosion Hazard
- E25.1 Local Development

Therefore, the application must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The application is for the amendment of boundaries only and there is no change to the existing dwellings and associated residential uses on the site.
- The design of each lot is able to meet applicable standards in codes in the planning scheme.
- The three lots contain established dwellings with reasonable solar access. Any future development would be expected to achieve reasonable solar access.
- There are no works proposed.

- The application is for the amendment of boundaries only and there is no change to the existing dwellings and associated residential uses on the site. Therefore, it is considered that the proposed subdivision avoids, minimises and mitigates environmental impact arising from future use and development.
- There are no impacts on trees of high conservation value.

Low Density Residential

Zone 12.5.1 Development Standards for Subdivision

Acceptable Solution A3
The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot: 30m.
Performance Criteria
The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.
Proposal
54 Esplanade will have a frontage of 22.7m. 149 Beach Road and 56 Esplanade will comply with frontages of 62.1m and 32.7m respectively.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The frontage of 54 Esplanade is currently 19.0m and this increases to 22.7m and there is no change to the existing vehicular and pedestrian access.
- The frontage is more than the minimum of 6m allowed for in the Performance Criteria.

E16.0 Coastal Erosion Hazard Code

Clause E16.8.1 - Subdivision in Coastal Erosion Hazard Areas

Acceptable Solution A1
No Acceptable Solution
Performance Criteria P2
Subdivision of a lot, all or part of which is within a Coastal Erosion Hazard Area must be for the purpose of one or more of the following: <ul style="list-style-type: none"> (a) separation of existing dwellings; (b) creation of a lot for the purposes of public open space, public reserve or utilities; (c) creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area.
Proposal
No acceptable solution (requires assessment against performance criteria).

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The application is for a boundary adjustment only. There are no new lots and no works proposed.

- The amendment boundaries maintain and increase the separation of existing dwellings.

E16.0 Coastal Erosion Hazard Code

Clause E16.8.1 - Subdivision in Coastal Erosion Hazard Areas

Acceptable Solution A2
No Acceptable Solution
Performance Criteria P2
<p>Subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) not increase risk to adjoining or nearby property; (b) any increased reliance on public infrastructure must not result in a[sic] unacceptable level of risk; (c) need for future remediation works is minimised; (d) access to the lot will not be lost or substantially compromised by coastal hazards on or off-site; (e) no building area is located within the Coastal Erosion Hazard Area; (f) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works; (g) not be prohibited by the relevant zone standards.
Proposal
No acceptable solution (requires assessment against performance criteria).

The proposed variation cannot be supported pursuant to this Performance Criteria of the Zone because the proposal does not satisfy Performance Criteria P2(g), as the subdivision is prohibited by the relevant zone (refer to reasoning within the assessment under Clause 12.5.1).

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 27 July 2022 to 9 August 2022). There were no representations received during the public exhibition period.

2.6 Other Matters

TasWater has assessed the application and has determined that the proposed development does not require a submission from TasWater.

3. CONCLUSION

The application lodged for a boundary amendment under Clause 9.3, 'Adjustment of a Boundary', of the *Kingborough Interim Planning Scheme 2015* does not comply to the requirements of Clause 9.3 as the boundary amendments is not a minor change to the relative size, shape and orientation of the existing lots.

As a subdivision, the application does not comply with the Development Standards for Subdivision for a minimum lot size in the Low Density Residential Zone (Clause 12.5.1). There are no Performance Criteria for the Development Standard and therefore, pursuant to Clause 8.9 of the Planning Scheme the proposal is prohibited.

The application does not satisfy the Acceptable Solution or the Performance Criteria of the Coastal Erosion Hazard Zone (Clause E16.8.1).

4. RECOMMENDATION

That the Planning Authority resolves that the development application DAS 2022-18 for subdivision at 149 Beach Road and 54 and 56 Esplanade, Margate for PDA Surveyors be refused for the following reasons:

1. The Application for a Subdivision (Boundary Adjustment- no additional lots created) under Clause 9.3, Adjustment of a Boundary, of the *Kingborough Interim Planning Scheme 2015* does not comply with the requirements of Clause 9.3 as the boundary adjustment is not a minor change to the relative size, shape and orientation of the existing lots. The proposed boundary amendments involve a major and significant departure from the existing configuration of the lots.
2. The application does not comply with Clause 12.5.1 Development Standards for Subdivision, Acceptable Solution A1, of the Low Density Residential Zone in the *Kingborough Interim Planning Scheme 2015*. Clause 12.5.1 Development Standards for Subdivision does not provide any Performance Criteria and the Acceptable Solution states that the size of each lot must be in accordance with Table 12.1 except if for public open space, a riparian or littoral reserve or utilities.

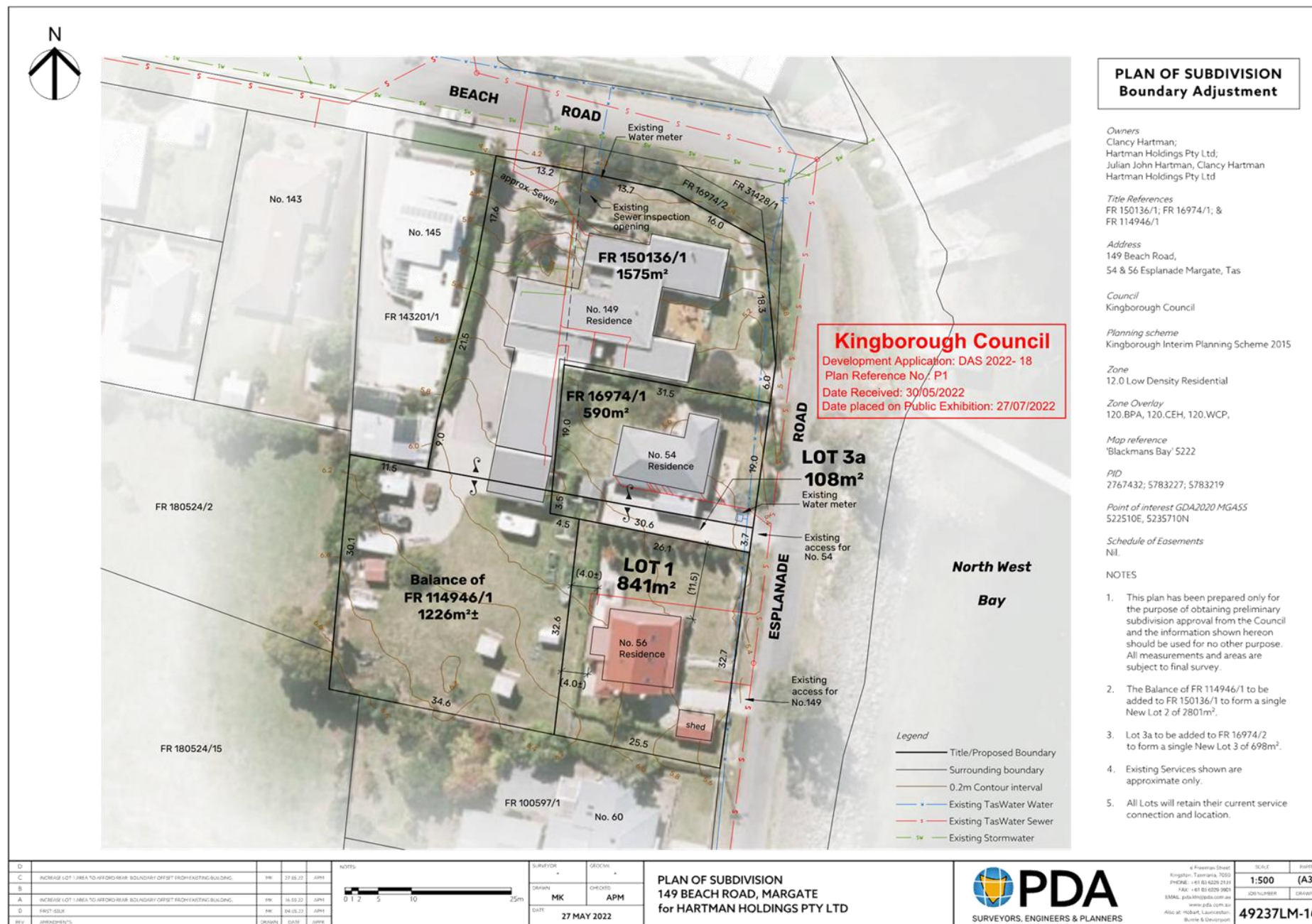
The application does not provide lots that comply in size as specified in Table 12.1, which requires a minimum size of 2,500m², and the proposed lots are not for public open space, a riparian or littoral reserve or utilities.

Pursuant to Clause 8.9.1 of the *Kingborough Interim Planning Scheme 2015*, the proposal is prohibited because it is unable to comply with the Acceptable Solution specified and there is no Performance Criteria available.

3. The application does not comply with the Acceptable Solution or Performance Criteria of Clause E16.0 'Coastal Erosion Hazard Zone', specifically Clause E16.8.1 (A2) and P2(g) as the subdivision is prohibited by the relevant zone standards.

ATTACHMENTS

1. Plan of Subdivision
2. Assessment Checklist



DEVELOPMENT APPLICATION NUMBER: DAS-2022-18

Assessment Checklist for Development Applications for Subdivision within the Low Density Residential Zone

Clause	Compliance/Comments
12.5 Development Standards for Subdivision	
<p>Clause 12.5.1 – Lot Design</p> <p>A1 - The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>as specified in Table 12.1.</p> <p>A2 – The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 20 m x 20 m in size. (f) No environmental values will be adversely impacted. <p>A3 – The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>30m.</p>	<p>A1 – Not Complying</p> <p>The minimum lot size for the Low Density Residential Zone is 2500 m².</p> <p>No's 54 and 56 Esplanade have proposed areas of 698 m² and 841 m² respectively.</p> <p>No 149 Beach Rd complies to A1 with an area of 2,801m².</p> <p>A2 – Not Complying</p> <p>A2(a) – Complies – the three lots contain existing dwellings garages/carports and outbuildings. The size and dimensions on the lots provides adequate room for building areas clear of frontage, side and rear boundary setbacks.</p> <p>A2(b) – Not Complying</p> <p>The application is subject to Codes:</p> <ul style="list-style-type: none"> E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E11.0 Waterway and Coastal Protection E16.0 Coastal Erosion Hazard E25.1 Local Development <p>A2(c) – Complies</p> <p>A2(d) – Complies</p> <p>A2(e) – Complies</p> <p>A2(f) – Complies</p> <p>A3 – Not Complying</p> <p>No 54 Esplanade will have a frontage of 22.7m.</p> <p>No 149 Beach Rd and 56 Esplanade will comply with frontages of 62.1m and 32.7m respectively.</p>

DEVELOPMENT APPLICATION NUMBER: DAS-2022-18

A4 – No lot is an internal lot.	A4 – Complies
A5 – Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	A5 – Complies No 149 Beach Rd There is no change to the front and side boundary setbacks. The rear setback will increase to over 30m. No 54 Esplanade There is no change to the front, north side and rear boundary setbacks. The south side boundary setback increases to approximately 3.7m and complies. No 56 Esplanade There is no change to the front and south side boundary setbacks. The north side boundary setback decreases to 11.5m and the rear setback decreases to 4m.
Clause 12.5.2 - Roads A1 - The subdivision includes no new road.	A1 – Complies
Clause 12.5.3 – Ways and Public Open Space A1 – No Acceptable Solution.	A1 – NA – no new lots.
A2 – No Acceptable Solution.	A2 – NA – No new lots
Clause 12.5.4 - Services A1 - Each lot must be connected to a reticulated potable water supply where such a supply is available. A2 – Each lot must be connected to a reticulated sewerage system where available. A3 – Each lot must be connected to a stormwater system able to service the building area by gravity. A4 - The subdivision includes no new road.	A1 – Complies – No change to existing. A2 – Complies – No change to existing. A3 – Complies – No change to existing. A4 – Complies – No new roads.

Code Provisions

Clause	Compliance/Comments
E6.0 Parking and Access Code This application is for a boundary adjustment and does not alter the existing parking and access and the proposal does not trigger an increased demand for parking. Therefore, a full assessment against this code is not required.	

DEVELOPMENT APPLICATION NUMBER: DAS-2022-18

E7.0 Stormwater Management Code	
Clause E7.7.1 - Stormwater drainage and disposal A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	A1 – Complies – there are no new impervious surfaces proposed as part of the application.
E11.0 Biodiversity Code The Biodiversity Code runs along the rear boundary of No 56 Esplanade. There are no works proposed within the Code area and therefore it does not apply to the application.	
E11.0 Waterway and Coastal Protection Code The application is exempt under this code pursuant to Clause 11.4.1(b) – ‘development that does not involve clearing of vegetation or soil disturbance’. Potential disturbance associated with this could have been fencing, however there are other exemptions for fencing.	
E16.0 Coastal Erosion Hazard Code	
Clause E16.8.1 - Subdivision in Coastal Erosion Hazard Areas A1 - No acceptable solution	A1 – Not Complying - No acceptable solution (requires assessment against performance criteria)
A2 - No acceptable solution	A2 – Not Complying - No acceptable solution (requires assessment against performance criteria)
Clause E16.8.2 - Subdivision Dependant on a Coastal Location A1 - No acceptable solution (requires assessment against performance criteria)	A1 – NA
A2 - No acceptable solution (requires assessment against performance criteria)	A2 – NA
E25.0 Local Development Code The application is for a boundary adjustment only. There are no buildings proposed, therefore the code does not apply.	

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

14.2 DA-2021-354 - DEVELOPMENT APPLICATION FOR 9 MULTIPLE DWELLINGS (1 EXISTING, 2 PREVIOUSLY APPROVED) AT 16 GRONINGEN ROAD, KINGSTON

File Number: DA-2021-354

Author: Timothy Donovan, Senior Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Jodal Property Pty Ltd
Owner:	Jodal Property Pty Ltd
Subject Site:	16 Groningen Road, Kingston (CT 86103/4 & CT 132129/4) and adjoining Crown Land (CT 212480/3)
Proposal:	9 multiple dwellings (1 existing, 2 previously approved)
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	General Residential
Codes:	E1.0 Bushfire-Prone Areas E3.0 Landslide Code (low) E5.0 Road and Railway Asset E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code
Use Class/Category:	Multiple Residential
Discretions:	General Residential Zone Cl.10.4.2 A3, A4 - Setbacks and building envelopes for all dwellings Cl.10.4.6 A1 - Privacy for all dwellings Road and Railway Asset Code Cl.E5.5.1 A1 - Existing road accesses and junctions Cl.E5.6.1 A1 - Development adjacent to roads and railways Waterway and Coastal Protection Code E11.7.1 A1 - Buildings and works
Public Notification:	Public advertising was undertaken between 30 July 2022 and 12 August 2022 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	5 representations were received objecting to the application on the following grounds: <ul style="list-style-type: none"> • Traffic impacts and parking • Not in keeping with area character of the area • Tree protection • Landslide hazard and slope stability • Stormwater management • Encroachment on adjacent property • Concerns with erosion and impacts on land and property to the north of the site
Recommendation:	Approval with Conditions

1. PROPOSAL

1.1 Description of Proposal

The proposal is to construct an additional six multiple dwellings (Units 4-9) within the two parcels at 16 Groningen Road, Kingston.

The site contains an existing dwelling (Unit 1) on the front parcel and there are two other dwellings under construction (Units 2 and 3 approved under DA-2020-61) one of which is located forward of the original dwelling (Unit 1) and the other to the west of the original dwelling.

For the dwellings that are proposed under this application, Unit 4 will be located to the north of the original dwelling on the front parcel and the remaining units will be built to the rear of the existing dwelling on the rear parcel (refer to figure 1 below).

All vehicular and pedestrian access is to be to the existing access to Groningen Road. The two titles are proposed to be adhered to facilitate the development. The development has a 7m bushfire buffer from the northern boundary and a 12m bushfire buffer from the north-west boundary in line with Unit 4 toward the northern boundary.

Unit 4 is proposed to be a three-bedroom, triple storey dwelling with a double garage and foyer on the lower level.

Units 5 is proposed to be a two-bedroom, double storey dwelling with a single car garage. The living area is on the upper level and includes a deck. There is a large area of private open space on ground.

Units 6-9 are all proposed to be three-bedroom, double storey dwellings with no covered parking, but two spaces provided for each unit. Living areas are on the ground level and include decks.

The application includes infrastructure works (stormwater) within the Crown land title adjoining the site to the north and east, described as Lot 3 (CT 212480/3) and identified as a subdivision road and used for road purposes associated with the Southern Outlet and its service roads).

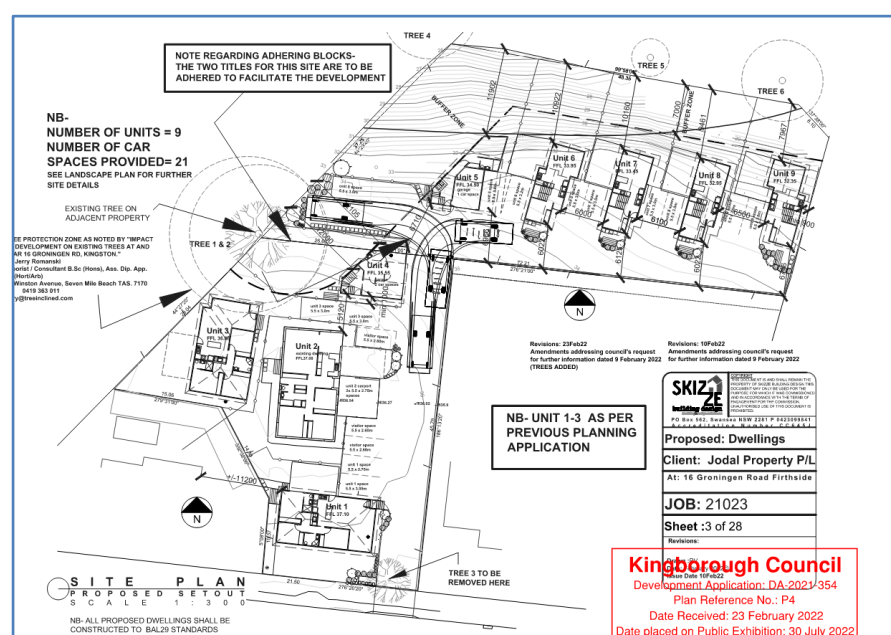


Figure 1 - Site Plan

1.2 Description of Site

The site containing the units comprises two titles described as CT 86103/4 and CT 132129/4 with a total area of 3,115.5m². The configuration of the two lots is an irregular shape with a flat gradient for land fronting Groningen Road and steeper land to the north. The rear of the site, while facing the Southern Outlet adjoins the Crown land lot identified as Lot 3 (CT 212480/3).

The site contains an existing dwelling (Unit 1) on the front parcel and there are two other dwellings under construction (Units 2 and 3 approved under DA-2020-61) one of which is located forward of the original dwelling (Unit 1) and the other to the west of the original dwelling.

The land is cleared of vegetation, however there are two individual Eucalypts located on the south-east and northwest corner of the lot.



Figure 2 - Aerial Photo of No. 16 Groningen Rd, Kingston

1.3 Background

In 1999 Council approved a four-lot subdivision (DAS 095136). It appears from Council records that the existing dwelling on 16 Groningen Road was constructed in 1983 and Lots 1, 2 and 3 (12, 14 and 16A Groningen Road) have been subsequently developed.

Development Permit DA-2020-61 for 3 Multiple Dwellings was issued for 16 Groningen Road on 27 May 2021. The development retained the existing dwelling with two new dwellings to be built behind the existing dwelling.

The approved development has been substantially commenced with the construction of Units 2 and 3 currently underway.

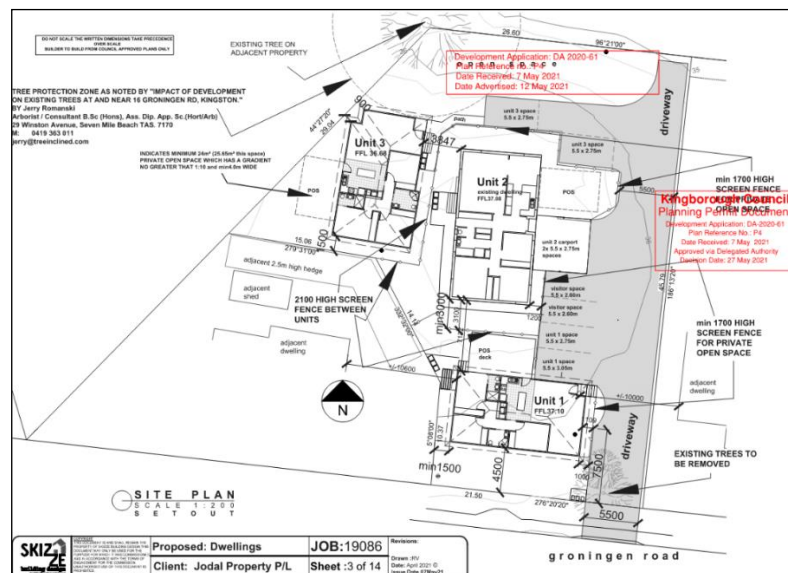


Figure 3 - Approved Site Plan DA 2020-61

2. ASSESSMENT

2.1 State Policies and Act Objectives

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the General Residential Zone

The relevant zone purpose statements of the General Residential Zone are to:

- 10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.
- 10.1.1.3 To provide for the efficient utilisation of services.
- 10.1.1.4 To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.
- 10.1.1.5 To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.
- 10.1.1.6 To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.

Clause 10.1.2 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	Kingston will be primarily maintained as a residential area, with opportunities taken to protect natural features, improve local infrastructure and services when appropriate.	(a)	New development should ensure that residential amenity is optimised by maintaining the existing character of the area and providing quality infrastructure where appropriate.
Desired Future Character Statements		Implementation Strategy	
(a)	Kingston is to include a mix of housing types that provide for a range of choices and affordability options.	(a)	While traditional suburban areas are to be retained as appropriate, multi-unit housing is to be directed towards those areas that are relatively close to central Kingston or other significant business or commercial precincts.
(b)	The ageing population should be well accommodated within Kingston enabling residents to have easy access to relevant services.	(b)	Aged care facilities and associated housing and infrastructure are to be encouraged within appropriate areas.
(c)	The Kingston area is characterised by vegetated corridors and backdrops and this visual appearance should be protected.	(c)	The subdivision or development of land should be designed in a manner to protect or enhance vegetated corridors and backdrops.

The proposal complies with the above-mentioned statements and objectives as maintains the residential area, residential amenity is optimised by maintaining the existing character of the area, quality infrastructure is provided, and it provides multi-unit housing that is relatively close to central Kingston.

2.3 Statutory Planning

The use is categorised as Residential (Multiple Dwelling) under the Scheme, which is a use that requires Permitted assessment in the General Residential Zone. Whilst the application is classified as a Permitted use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore Discretionary.

Council's assessment of this proposal should also consider the issues raised in the representations, the outcomes of any relevant State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

2.4 Use and Development Standards

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

General Residential Zone

Clause 10.4.2 - Setbacks and building envelopes for all dwellings

Acceptable Solution A3

A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
 - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser)

Performance Criteria P3

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; and
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
 - (i) an adjoining property; or
 - (ii) another dwelling on the same site.

Proposal

Units 4 and 9 do not comply.

- Unit 4 - although setback 6m from the east side boundary the 3 storey building is not contained within the building envelope. The east elevation on the third storey extends 1.6m above the building envelope.
- Unit 9 with a setback of 0.9m does not comply with the building envelope – see drawing below. Part of the east wall is 1.1m above the building envelope line.

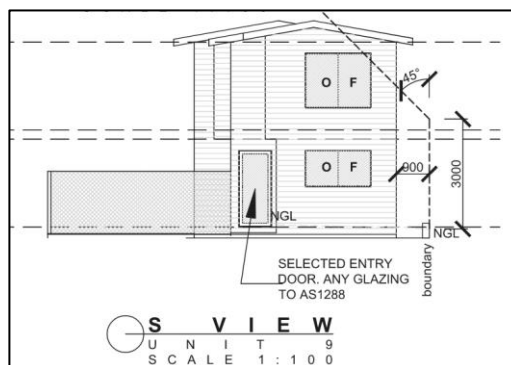


Figure 4 - Unit 9 and building envelope.

Units 5-8 comply to Building Envelope.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

UNIT 4

The discretion will not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- The adjacent dwelling on No 14 Groningen Road is approx. 22m from Unit 4.
- There is no reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property. Shadow diagrams have been provided showing that there is more than 3 hours of sunlight and that the shadow from the Unit does not impact the dwelling.
- There is no unreasonable overshadowing of the private open space of the dwelling on No 14 Groningen Road. The portion of the rear yard that is overshadowed contains a large outbuilding and part of the garden. This area is only impacted for a short period of time around 12pm. It receives more than 3 hours of sunlight.
- The height of the Unit of 8.44m is below the maximum allowed (8.5m) and the upper level is articulated with a large deck forming part of it. The discretion on the east elevation on the 3rd storey extends 1.6m above the building envelope and extends for 4m along the elevation. A complying building would have a similar impact on the amenity of the adjacent property and in this regard the visual impact when viewed from an adjoining property is acceptable.
- The deck on the 3rd storey contains a 1.7m privacy screen along the east side to prevent any overlooking of the adjacent property. The deck complies to acceptable solutions for privacy due to its setbacks however the deck has been provided in the interests of protecting the privacy of the adjacent lot. Note is also made that the windows of the 3rd storey east elevation have a high sill height of 1.7m.
- There is substantial separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.
- There is no reduction in sunlight to an existing solar energy infrastructure.

UNIT 9

The siting of Unit 9 has been assessed above in relation to the side setback from the east boundary.

The discretion will not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- The adjacent dwelling on No 12 Groningen Road is approx. 30m from Unit 9.
- There is no reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property. Shadow diagrams have been provided showing that there is more than 3 hours of sunlight and that the shadow from the Unit does not impact the dwelling.
- There is no unreasonable overshadowing of the private open space of the dwelling on No 12 Groningen Road. The portion of the rear yard that is overshadowed contains a large outbuilding and part of the garden. This area is only impacted for a short period of time around 12pm. It receives more than 3 hours of sunlight.

- Due to the location of the Unit, lack of development to the east and north, the fall of the land, and the separation from the adjacent dwellings on Groningen Road there are no visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.
- There is substantial separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.
- There is no reduction in sunlight to an existing solar energy infrastructure.

General Residential Zone

Clause 10.4.2 - Setbacks and building envelopes for all dwellings

Acceptable Solution A4
No trees of high conservation value will be impacted.
Performance Criteria P4
Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.
Proposal
<p>An Arboricultural Impact Assessment & Tree Protection Specification (Philip Jackson, February 2022) shows that there are six (6) Eucalypt trees on and adjacent to the subject lot which will be impacted as a result of the proposed development.</p> <p>Of these, one (1) is proposed for removal as it is located within the footprint of the proposed access. However, this tree is a <i>Eucalyptus leucoxylon</i> (Yellow gum) (T3), not a Tasmanian native, and therefore not a very high or high conservation value tree.</p> <p>Five trees proposed for retention, consisting of four (4) <i>Eucalyptus viminalis</i> (White Gum) (T1-T2 and T5-T6) trees and one (1) <i>Eucalyptus ovata</i> (Black Gum) tree, will be impacted from the proposed development. However, Tree Protection Zone (TPZ) encroachment for these five trees is below the 10% acceptable threshold and the Arboricultural Impact Assessment supports the retention of these trees.</p> <p>However, as four of the five trees proposed for retention are considered very high or high conservation value trees, and will be impacted through TPZ encroachment, an assessment against the performance criteria must be provided.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- an Arboricultural Impact Assessment & Tree Protection Specification (Philip Jackson, February 2022) submitted with the application demonstrates that one tree (T3), that is not of very high or high conservation value, will require removal. Five (5) trees will have minimal TPZ encroachment (under 10%), with four (4) being very high or high conservation trees. However, none of these are proposed for removal and the buildings and works have been designed and located to minimise impacts on these very high and high conservation value trees.

A condition should be included in any permit issued requiring implementation of the tree protection recommendations in the Arboricultural Impact Assessment & Tree Protection Specification (Philip Jackson, February 2022).

General Residential Zone
Clause 10.4.6 - Privacy for all dwellings

Acceptable Solution A1

A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

Performance Criteria P1

A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or
- (b) another dwelling on the same site or its private open space.

Proposal

Not complying to A1(c)

A1(a) – Complies

Unit 4 complies and is setback more than 3m from the side boundary. It has a deck at the 3rd level which has a 1.7m high screen facing the side boundary.

Units 5-8 comply as they are all greater than 3m from side boundaries.

Unit 9 is setback 0.9m from the side boundary. However, the deck complies as it is setback 6.2m from the side boundary.

A1(b) – Complies

Units 4-9 are setback more than 4m from rear boundary.

A1(c) – Not Complying

Units 5-9 all have decks within 6m of the adjacent dwelling's windows and decks.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- All the units have provided a 1.7m high privacy screen to their respective decks.
- It is considered that the design of the units has been done with due regard to the other units on the site and the dwellings and their open space on adjoining lots, in response to the steep topography of the site over its rear northern area.
- Due to the slope of the land at the rear of the site, the decks for Units 6-9 commence at ground level and then, due to the fall of the land, increase in height to maximums of 1.7m to 2.8m.

- The deck for Unit 5 is at the 1st floor level but its aspect is towards the north west of the lot and not east towards Unit 6.
- The design and location of the decks with the screening is considered to satisfy the Performance Criteria to minimise overlooking.

E5.0 Road and Railway Assets Code

Clause E5.5.1 Existing road accesses and junctions

Acceptable Solution A3
The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.
Performance Criteria A3
Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
Proposal
The average daily traffic is increased more than the Acceptable Solution standard. Expected to generate an additional 52 daily vehicle movements.

The proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The application is supported by a Traffic Impact Assessment prepared by Hubble Traffic, dated December 2021.

The TIA demonstrates that the proposed development is safe and does not unreasonably impact on the efficiency of the road. There is sufficient capacity within street network for increased vehicle movements and the relevant Standards are met:

- The development is for residential units and the majority of the vehicle movements will be passenger cars associated with urban residential living and compatible with the surrounding road network.
- The development site intersects with Groningen Road at approx. 90 degrees and the access will be designed to accommodate the vehicle sweep path. Groningen Road is well located to the State road network, with the north bound on-ramp located within 70m and the southbound off-ramp located 400m from the site. There is a high level of access to the State

road network and the additional vehicle movements are not expected to create any adverse traffic impacts on the surrounding network.

- Groningen Road is a local residential street and operates as a collector road. The additional traffic movements are not expected to cause any adverse safety or traffic efficiency impacts on the surrounding roads.
- The speed limit along Groningen Road is the urban default 50kph speed limit. The additional vehicle movements can be easily absorbed without adversely impacting current road users.
- There is no alternative access available. The steep topography of the site to the north does not provide for a practical option for access to the adjoining Crown land.
- Urban infill in established suburbs is considered to be a need supported and facilitated by the Planning Scheme as it increases the supply of housing.
- The Department of State Growth has provided written advice dated 14 July 2021 and does not object to the proposal.

E5.0 Road and Railway Assets Code

Clause E5.6.1 Development adjacent to roads and railways

Acceptable Solution A1

- A1.1 – except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:
 - (a) new buildings;
 - (b) other road or earth works; and
 - (c) building envelopes on new lots.
- A1.2 – Buildings, may be:
 - (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or
 - (b) an extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.

Performance Criteria P1

The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) the proposed setback;
- (b) the existing setback of buildings on the site;
- (c) the frequency of use of the rail network;
- (d) the speed limit and traffic volume of the road;
- (e) any noise, vibration, light and air emissions from the rail network or road;
- (f) the nature of the road;
- (g) the nature of the development;
- (h) the need for the development;

- | |
|--|
| <ul style="list-style-type: none"> (i) any traffic impact assessment; (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and (k) any written advice received from the rail or road authority. |
|--|

Proposal

The proposed units are located closer than 50m to the Category 1 State road and do not comply with A1.2

The proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The application is supported by a Traffic Impact Assessment prepared by Hubble Traffic, dated December 2021.

The TIA demonstrates that the proposed development is safe and does not unreasonably impact on the efficiency of the road or amenity of sensitive uses:

- The eastern boundary of the site adjoining the State road is 25 m from the centre of the north bound on-ramp and 54m from the centre line of the main carriageway. It will not adversely impact on the performance of the State road.
- The existing dwelling is setback 81 m from the centre of the north bound on-ramp and 112m from the centre line of the main carriageway. It will not adversely impact on the performance of the State road.
- The speed limit on the main state road is signed at 80km/h, and the on-ramp is 50 km/h. The two way traffic flow from the main highway carriageway is around 36,000 vehicles per day. The additional vehicles generated by the development will not adversely affect the performance of the State road.
- In relation to noise issues a portion of the site is located within 50m of the Category 1 State Road, the Southern Outlet, managed by the Department of State Growth who have developed Noise Guidelines. These Guidelines advise that the Department of State Growth will not consider retrofitting noise mitigation measures to the existing road network and not accept responsibility for traffic noise mitigation where a sensitive use knowingly moves to an area where traffic noise problems are likely, or where there is evidence of inadequate consideration of noise impacts by developers or landowners.

State Growth will accept a sensitive use within 50m subject to the property owner submitting written advice acknowledging the encroachment and accepting that the Department of State Growth will not be responsible for noise mitigation measures.

Excessive traffic noise from the State road is not expected as the centre of the main carriageway is located 54m from the property boundary and it is substantially lower than the site and there is a large earth embankment between the property and the main carriageway.

The development will include a 2.4m high treated pine sound wall located along the eastern boundary and have the same design as approved for the recent development at 103 Groningen Road. The wall is recommended in

the Traffic Assessment Report in order to meet the State Growth Noise Guidelines.

All windows of the units are to be double glazed and the closest Unit 9 has been designed with minimal windows facing the State road. In light of these measures and the topography of the area it is considered that the risk of adverse traffic noise is low once the measures are in place.

Conditions are recommended for inclusion in any permit issued to include a Part 5 Agreement on the title in relation to the 2.4m sound wall and the glazing.

- The closest road to the development site is the northbound on-ramp. This is expected to operate and carry similar traffic flows as a local collector road.
- The proposed development supports the need for housing as supported in the Planning Scheme.

E11.0 Waterway and Coastal Protection Code

Clause E11.7.1 Buildings and works

Acceptable Solution A1
Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.
Performance Criteria P1
<p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.
Proposal
<p>While the units are located outside the Waterway and Coastal Protection Area (WCPA), privacy fencing is located within the WCPA. Works associated with the fencing are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1.</p> <p>Additionally, while the stormwater system is located outside the WCPA buffer zone, it is likely that works associated with its installation will potentially encroach into the WCPA, and therefore must be assessed against the performance criteria.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- the works are within a highly modified area containing exotics and weeds. Therefore, there will be minimal impacts on natural values;
- adverse erosion, sedimentation and runoff impacts on natural values will be limited to the construction phase. This is most appropriately addressed through implementation of a soil and water management plan;
- littoral vegetation will not be impacted by the proposal given the highly modified condition and lack of native vegetation in this section of Browns River;
- natural streambank and streambed condition will not be impacted by the proposed stormwater outlet;
- in-stream natural habitat will not be impacted by the proposed stormwater outlet;
- the development and proposed stormwater outlet will not impede natural flow and drainage;
- fish passage will not be impacted by the proposed stormwater outlet;
- no landfilling of wetlands is proposed; and
- this proposal complies with this criterion providing a condition is included in the permit requiring works are undertaken generally in accordance with the 'Wetlands and Waterways Works Manual' (DNRE, 2003).

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* from 30 July 2022 to 12 August 2022. Five (5) representations were received during the public exhibition period. The following issues were raised by the representors:

Traffic Impacts and Parking

The development is very close to the road to Hobart and near where all Hobart bound buses need to turn. It is also on a section of Groningen Road which is quite narrow and vehicles are often parked on both sides of the road, resulting in only one stream of traffic able to get through. The six units and the potential increase in traffic in this (already busy) area, these problems will only increase.

The increasing number of dwellings and therefore traffic on Groningen Road which is the only entry and exit to/from the Firthside area. There are the repercussions of bushfires, car accidents or some other incident.

The noise from traffic movements from the 6 additional units development would significantly impact the quiet enjoyment of adjacent properties. On site car parking is inadequate. Each unit may have up to 6 cars. There is only space for 10 cars. Overflow will be on the road. Is there adequate manoeuvring and turning areas on site so cars enter and leave in a forward direction?

Matters of accesses, movement within the site and parking requirements are addressed within the assessment against Clauses E5.0 Road and Railway Asset and E6.0 Parking and Access Codes. In addition, the application is also supported by a Traffic Impact Assessment. Council's Development Engineers reviewed both and are satisfied that the

requirements of the Scheme have been met. Impacts of traffic noise are not a consideration in the Scheme.

Not in keeping with areas character

Large blocks have been subdivided in the Firthside area and units have been approved behind them and this is not ideal. Council should seriously consider to overrule the proposal to not proceed.

Loss of amenity due to visual impact caused by development proposal for 6 three storey units which significantly overshadow surrounding properties and have a low aesthetic appeal.

Three storey units are not in keeping in this area.

The Kingborough Interim Planning Scheme 2015 permits the further development of land in the General Residential Zone in Kingston including infill and multiple dwellings. The proposal complies with the density standards.

The visual impact of the proposed units has been assessed in the report and Assessment Checklist. The design of the units complies with the Acceptable Solutions and Performance Criteria in the Development Standards.

Tree protection

A truck and vehicle turning area is proposed over the root zone of the tree on the adjacent property. Works for this include excavating 1.5 metres below natural ground level, directly impacting the tree's root zone. This endangers the health of the tree and would likely cause the tree to die.

The issue of trees has been assessed in the report.

Landslide hazard and slope stability

The site is subject to the Landslide Code. The development completely ignores the actions required when building in areas with landslide hazard bands. No Geotechnical engineering assessment has been undertaken to establish land stability or the impact the development will have on adjoining properties.

Part of the northern area of the site is within the Landslide Hazard Code overlay and has a Low rating. Pursuant to the scheme, a Geo-Technical Report is not required and the proposal complies with the Code standards. The proposal has been designed to avoid any significant works or clearing in the Landslide Hazard Code overlay area.

Stormwater management

The development proposal for untreated stormwater generated from the development to enter directly into Browns River. The proposal is reckless in its approach to stormwater management, by proposing to discharge untreated stormwater into a waterway that has significant fauna and flora value. The part of Browns River below the development is feeding habitat for platypus, which are frequently sighted in that area, as well as many aquatic species, such as fish and eels, and birds.

The application provides for stormwater management and infrastructure in accordance with the standards in the Stormwater Management Code. Conditions on the Permit will address compliance with the Code during and after construction.

Encroachment on 18 Groningen Road

The application proposes excavating 1-2 metres below the natural ground level on the boundary of 18 Groningen Road to establish a garbage truck and heavy vehicle turning area, which is a 0.0 cm side set back from the boundary of 18 Groningen Road.

The property boundary line is very poorly defined and no boundary survey has been established. There is a very high probability that works will encroach on 18 Groningen Road. Encroachment will lead to significant conflict between the properties.

The concerns of the adjoining property owner are acknowledged. Reference to the plans indicates that works are proposed for parking near the common side boundary. There are no works on the boundary. Conditions on the permit will require the submission of design and construction drawings for approval that will be provided for the proper design and construction of any works near the boundary.

Concerns with erosion and impacts on land and property to the north of the site

There are concerns with what is occurring in relation to the preliminary works on the site, and the movement of loose materials, soil, and boulders down the site. There are concerns with any possible impacts on the road reserve to the north of the property which is used for access to other properties.

The developer has cleared the vegetation from the slope and has illegally cleared vegetation from adjoining properties being 18 Groningen Road and Department of State growth managed crown land.

The development will be required to provide design and construction drawings for approval and a Construction Plan before works commence. The conditions of approval require that safe construction activities occur. In relation to the current construction and clearing activities on the site the matter has been referred to the relevant Council officers for further investigation.

2.6 Other Matters

TasWater

TasWater have issued a Submission to Planning Authority, TWDA 20211/01130-KIN dated 27/07/2022 approving the development with conditions. The Conditions of TasWater are included in the Permit.

State Growth

State Growth have provided Crown Consent for the application to be lodged as there are infrastructure works (e.g. stormwater) on Crown Land. State Growth have not provided comments to Council on the application.

3. CONCLUSION

The application has been assessed against the relevant Development Standards in the Planning Scheme. It complies to the Acceptable Solutions and Performance Criteria in the General Residential Zone and relevant Codes and is recommended for approval.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for 9 multiple dwellings (1 existing, 2 previously approved) at 16 Groningen Road, Kingston and Lot 3 CT 212480/3 for Jodal Property Pty Ltd be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-354 and Council Plan Reference No. P4 submitted on 23 February 2022 and Council Plan Reference No. P5 submitted on 05 July 2022.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the commencement of on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings) CT 86103/4 and CT 132129/4 must be adhered in accordance with the requirements of the Council.
3. Prior to the occupation of the dwellings 4-9:
 - (a) A 2.4m high treated pine or similar acoustic barrier must be provided and located along the eastern boundary of the subject land in compliance with the requirements of the Department of State Growth Noise Guidelines.
 - (b) All windows of the units are to be double glazed.
 - (c) Written certification from a suitably qualified acoustic consultant must be provided to Council, prior to the occupation of the dwellings, confirming that the completed and continuous acoustic barrier has been constructed in accordance with the requirements of the Department of State Growth, and the windows are double glazed.

The acoustic barrier must be retained and maintained in good working order to achieve the required noise level reductions. The windows are required to be maintained with double glazing.

The developer must enter into a Part 5 Agreement pursuant to section 71 of the Land Use and Planning Approvals Act 1993 to ensure that future owners of dwellings, including any Body Corporate of a future strata development, are aware of their ongoing obligations regarding maintenance and retention of the acoustic barrier and window glazing. The wording of this Part 5 Agreement must be to the satisfaction of the Manager Development Services. The applicant must arrange for the drafting of the agreement and is to cover all costs associated with the preparation and registration of the agreement with the Recorder of Titles.

4. At least two (2) visitor parking spaces must be provided for the proposed development. These visitor parking spaces must be appropriately sign posted prior to occupation of any dwelling and kept available for visitor parking at all times. Any future application for strata title in respect of the property must ensure that the visitor parking spaces are included within the common property on the strata plan.
5. Before the approved development of Units 4-9 commences, landscaping plans must be submitted for approval by Council's Manager Development Services.

The landscape plan must be prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- (a) Planting within the open space and common areas for Units 4-9 (additional landscaping on other parts of the site are welcomed).
- (b) outline of the proposed buildings;
- (c) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (d) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (e) earth shaping proposals, including retaining wall(s); and
- (f) fencing, paths and paving (indicating materials and surface finish).

Once endorsed the plans will form part of the permit.

It is recommended that consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

6. All works within the waterway must be designed and constructed so as to:
 - (a) Minimise impacts on existing natural values, including riparian vegetation and in-stream habitat and bank condition;
 - (b) Retain existing flow capacity;
 - (c) Retain existing waterway bed levels;
 - (d) Include mitigation measures at entry and exit of culverts and pipes to minimise scouring and erosion;
 - (e) Be consistent with the 'Wetlands and Waterways Works Manual' (DNRE, 2003)
7. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and Manager Development Services and comply with:
 - Tasmanian Standard Drawings
 - Austroads Standards and Australian Standards
 - Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
 - (i) Longitudinal and cross sections of the driveway/access road
 - (ii) Contours, finish levels and gradients of the driveway/access road

- (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
- (iv) Provision of passing bays
- (v) Pavement construction
- (vi) Signage for visitor spaces or residential/commercial spaces if allocated
- (vii) No parking/keep clear signage for turning bay areas
- (viii) Wheel stops for open parking bays (as appropriate)
- (ix) Lighting for parking and vehicle circulation roadways and pedestrian paths
- (x) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - (i) Layout details and new 225mm dia. stormwater connection and manhole to the Council stormwater main in Beach Road.
 - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling.
 - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.
 - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.

Once endorsed the plans will form part of the permit.

8. Prior to the commencement of on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all remaining native vegetation, including individual trees identified for retention in Council Plan Reference No. P4 submitted on 23/02/2022 and Plan Reference No P5 submitted on 05/07/2022 must be retained and appropriately protected during construction through the installation of temporary fencing between any on-site works and adjacent native vegetation in accordance with AS 4970-2009 to exclude:
 - (a) machine excavation including trenching;
 - (b) excavation for silt fencing;
 - (c) cultivation;
 - (d) storage;
 - (e) preparation of chemicals, including preparation of cement products;
 - (f) parking of vehicles and plant;
 - (g) refuelling;
 - (h) dumping of waste;

- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs; and
- (n) physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be obtained prior to the commencement of on-site works and made available to Council upon request.

In addition, the following tree protection measures must be adhered to following construction for all areas within the Tree Protection Zone but outside the footprint of the approved works:

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
 - (ii) the Tree Protection Zone must be free from the storage of fill, contaminants or other materials;
 - (iii) machinery and vehicles are not permitted to access the Tree Protection Zone; and
 - (iv) development and associated works are not permitted unless otherwise approved by Council in writing.
9. The following vegetation removal and modification is approved for the purposes of the development:
- (i) no more than one (1) *Eucalyptus leucoxylon* (Yellow Gum) tree numbered 3 as shown in Council Plan Reference P4 submitted on 23/02/2022 and Table 1 of the Arboricultural Impact Assessment & Tree Protection Specification (Philip Jackson, February 2022).
- subject to the following restrictions:
- A. This vegetation must not be removed prior to issue of a 'Start of Works Notice' (Start Work Notice form is available on the Council Website).
 - B. No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council.
10. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
11. Documentation submitted for building approval must demonstrate the requirement for double glazing for all the windows, and that the development will be constructed to BAL-29, and will contain the hazard management area within the lot boundary, consistent with

the requirements of the Bushfire Report and Hazard Management Plan (North Barker Ecosystem Services, 8th September 2021).

All bushfire mitigation measures identified in the building approval documentation must be satisfactorily implemented.

12. Prior to the occupation of Units 4, 5, 6, 7, 8, and 9 the permanently fixed screen(s) on the decks as shown on the endorsed plans must be installed to the satisfaction of the Manager Development Services. The screens must have a minimum height of at least 1.7 m above the finished floor level of the deck with a uniform transparency of no more than 25% and must be maintained for the life of the development.
13. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
 - (a) The parking areas (including signage and access);
 - (b) The garden and landscape areas;
 - (c) Drainage works undertaken and completed;
 - (d) The privacy screens on the decks; and
 - (e) Letterboxes installed.
14. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
15. The applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed bin collection area as indicated on the submitted plans. Council waste services will not be provided to service the development.
16. Prior to the issue of a Building Permit a Waste Management Plan must be prepared by a suitably qualified person and submitted to Council for approval. Once endorsed, the plan will form part of the Planning Permit. The waste management plan must include; but not be limited to:
 - (a) Details of the subject site;
 - (b) Details of maximum vehicle size (one that is able to enter and exit the site in a forward direction, turning within the site);
 - (c) Swept paths of the vehicle demonstrating ability to achieve the above;
 - (d) Times and frequency of collection;
 - (e) Detail of how the different waste types will be collected to ensure proper waste management (ie green waste, recycling and general waste); and
 - (f) Method for collection and collection points for the bins.
17. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown

Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

18. The roads and footpaths surrounding the building site must be kept clear of construction materials and debris during the construction period.
19. The buildings on the endorsed plans must not exceed the heights in metres above the natural ground level existing prior to the construction of that building directly below that point.
20. The construction works must be undertaken in accordance with the approved engineering design drawings to the satisfaction and approval of the Director Engineering Services and include the following:
 - (a) The vehicular access/driveway, car parking areas and vehicle manoeuvring areas must be of a sealed construction (concrete) with associated drainage provision and comply with Australian Standard AS2890.1:2004 (Off-street car parking);
 - (b) 'No Parking'/'Keep Clear' signage must be installed for the turning bays;
 - (c) Visitor car parking sign must be installed for the on-site visitor car parking spaces;
 - (d) Signage noting residential car parking for each unit must be installed for their respective on-site car parking spaces;
 - (e) Wheel stops (as required) and line markings for open car parking spaces must be provided in accordance with Australian Standard AS2890.1:2004 (Off-street car parking);
 - (f) Parking and vehicle circulation roadways and pedestrian paths must be provided with bollard or similar lighting;
 - (g) On-site stormwater quality systems must be installed; and
 - (h) Stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.

The works must be supervised by a professional Civil Engineer in accordance with Council's inspections schedule.

21. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The Developer should not allocate any property address numbers for the proposed units.

New property addresses have been allocated as follows:

Unit No.	Allocated Property Address
4	4/16 Groningen Road, Kingston
5	5/16 Groningen Road, Kingston
6	6/16 Groningen Road, Kingston
7	7/16 Groningen Road, Kingston
8	8/16 Groningen Road, Kingston
9	9/16 Groningen Road, Kingston

These numbers must then be referenced on design and As-Constructed drawings as well as any Strata Plans lodged for sealing.

- C. The approval in this permit is under the Land Use Planning and Approvals Act 1993 and does not provide any approvals under other Acts including, but not limited to Building Act 2016, Urban Drainage Act 2013, Food Act 2003 or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the Building Act 2016. Change of use, including visitor accommodation, may also require approval under the Building Act 2016. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- D. The developer should obtain a Plumbing Permit for the development prior to commencing construction.

A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.

ATTACHMENTS

1. Plans
2. Assessment Checklist
3. TasWater Submission to Planning Authority TWDA 2021/01130-KIN

Project Details

Floor Areas:m² Dwellings see floor plans

Design Wind Speed: N/A

Soil Classification: BAL29

Climate Zone: 7

Title References: 132129/ 4 & 86103/4

Kingborough Council

Development Application: DA-2021-354

Plan Reference No.: P4

Date Received: 23 February 2022

Date placed on Public Exhibition: 30 July 2022

SHEET KEY

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20of 28	Elevations- Unit 8
21of 28	Floor Plan- Unit 9
22of 28	Elevations- Unit 9
23of 28	Site- Landscaping 1
24of 28	Site- Landscaping 2
25of 28	Site- Setback to Southern Outlet
26of 28	Shadow Diagram- 9am
27of 28	Shadow Diagram- 12 Noon
28of 28	Shadow Diagram- 3pm

DEVELOPMENT APPLICATION

 <p>98 New Town Road New Town P 6228 7762 Accreditation Number CC645J</p>	<p><small>COPYRIGHT THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF SKIZZE BUILDING DESIGN THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IS PROHIBITED.</small></p>	<p>Proposed: Dwellings</p>	<p>JOB: 21023</p>	<p>Revisions:</p>
	<p>Client: Jodal Property P/L</p>	<p>Sheet : 1 of 28</p>	<p>Drawn :RV Date: February 2022© Issue Date 10Feb22</p>	
	<p>At: 16 Groningen Road Firthside</p>			

C O V E R S H E E T

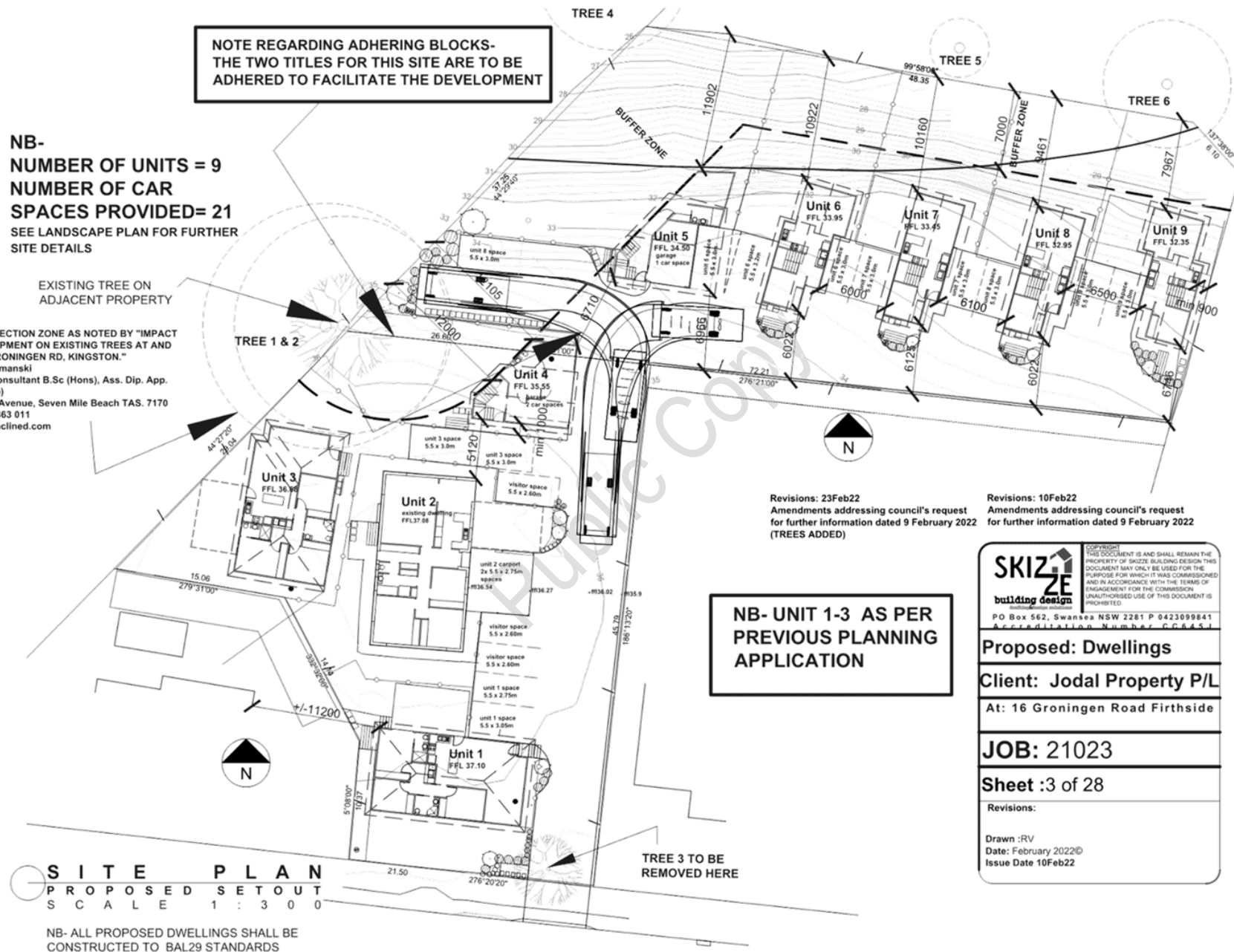
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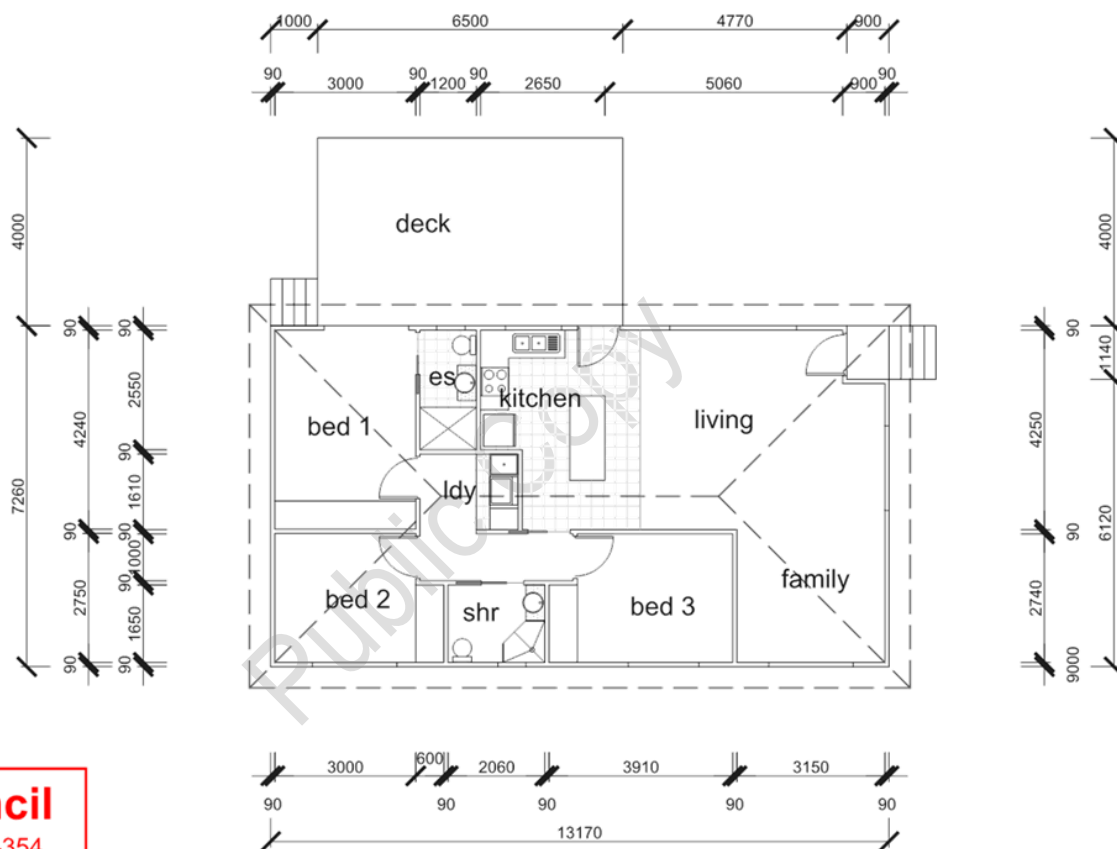
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Date Received: 23 February 2022

Date placed on Public Exhibition: 30 July 2022







Kingborough Council

Development Application: DA-2021-354

Plan Reference No.: P4

Date Received: 23 February 2022

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Unit 1 FLOOR PLAN
 Areas- 94.58m² Dwelling
 26m² Deck, 1.02m² Porch
 S C A L E 1 : 1 0 0

**NB- UNIT 1-3 AS PER
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Client: Jodal Property P/L

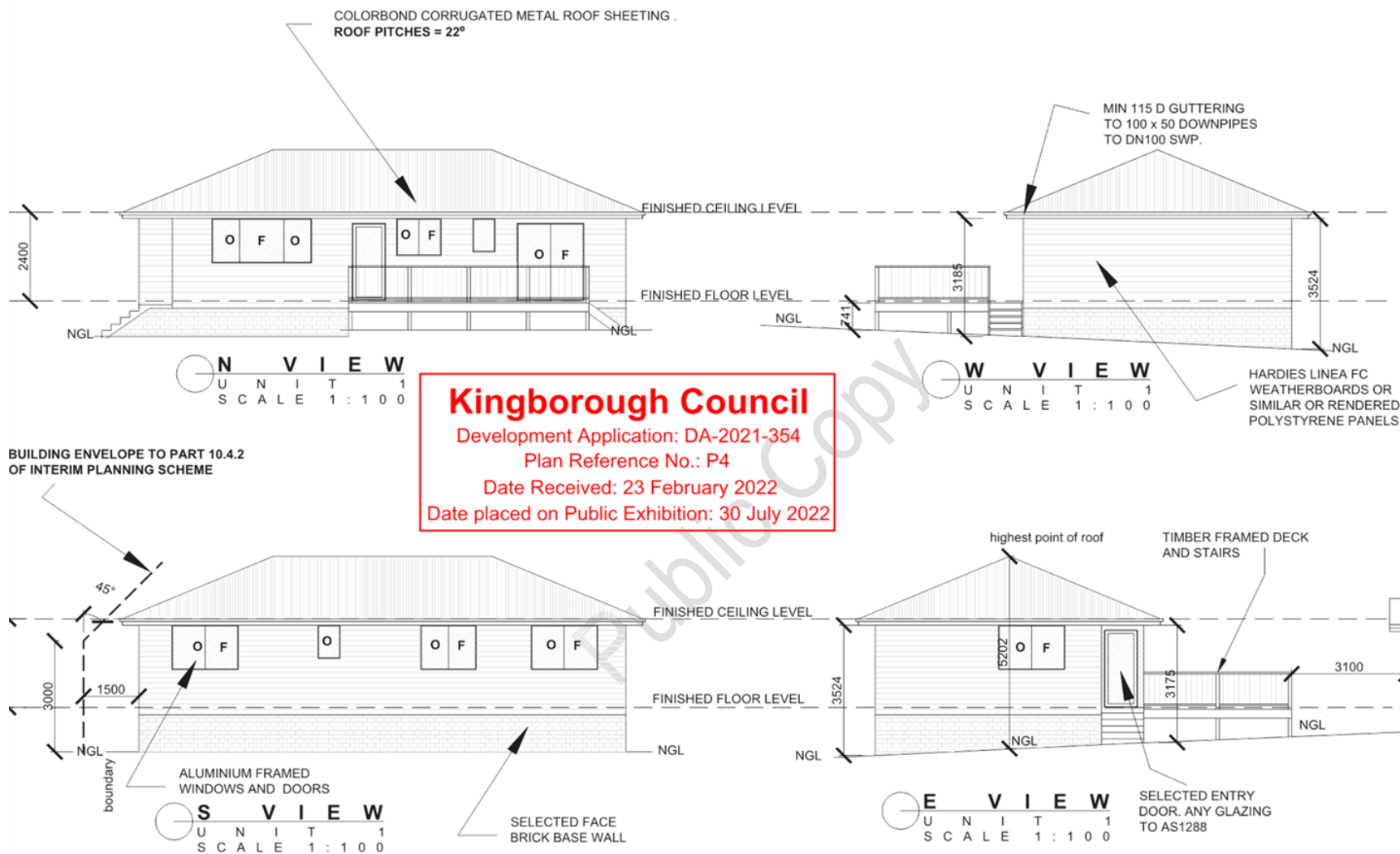
At: 16 Groningen Road Firthside

JOB: 21023

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JOB: 21023

Revisions:

Client: Jodal Property P/L

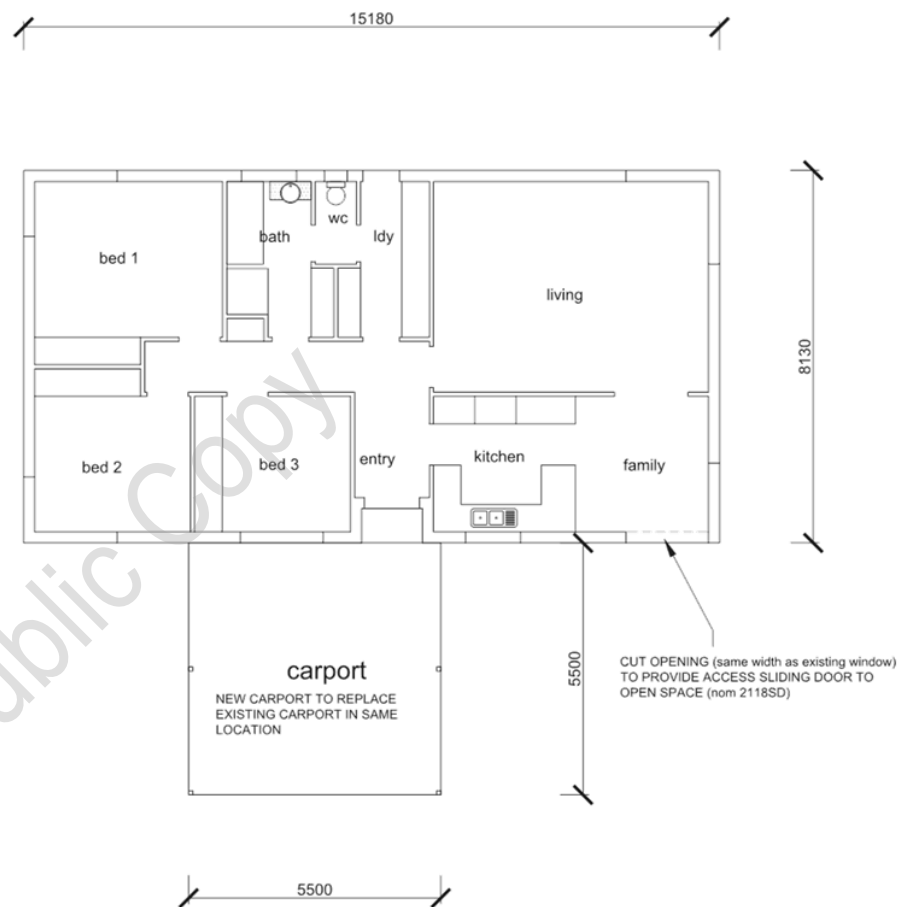
Sheet : 5 of 28

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 Plan Reference No.: P4
 Date Received: 23 February 2022
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FLOOR PLAN
 Area 123.41m² Existing Dwelling
 U N I T 2
 S C A L E 1 : 1 0 0

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JOB: 21023

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Client: Jodal Property P/L

Sheet : 6 of 28

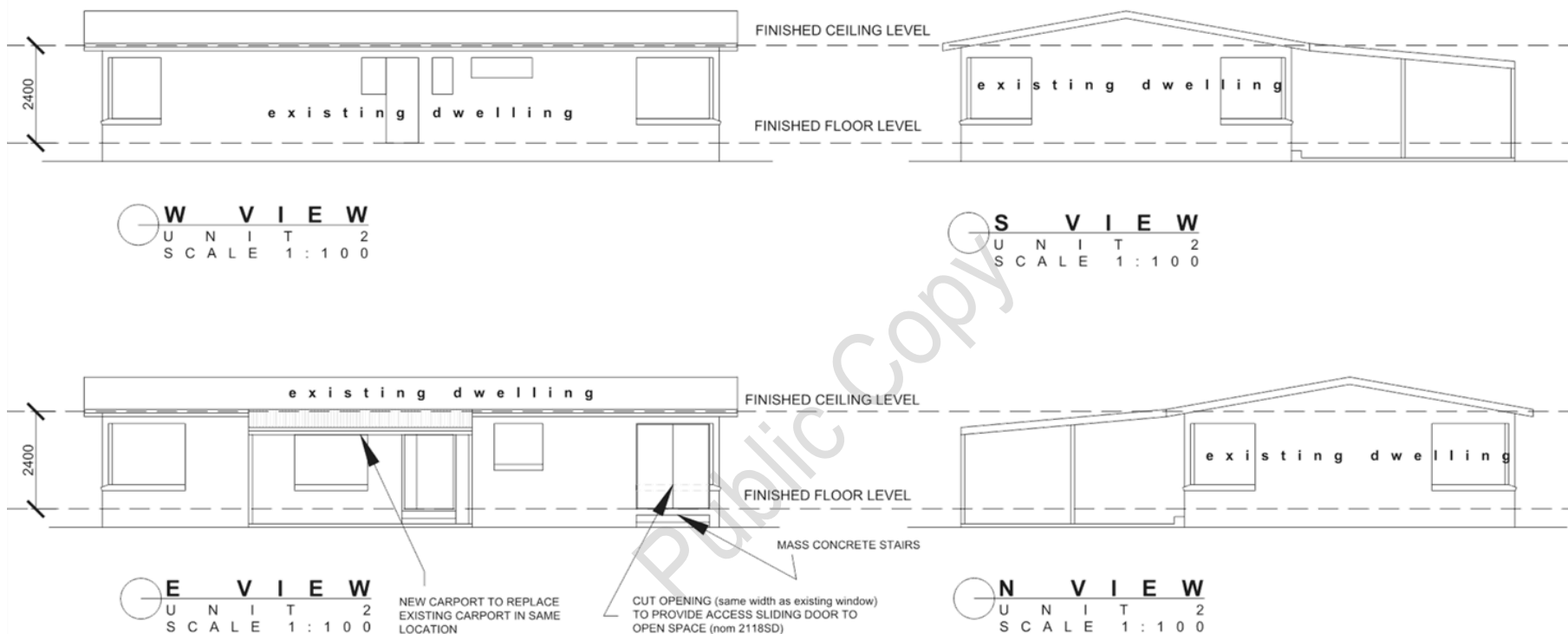
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JOB: 21023

Revisions:

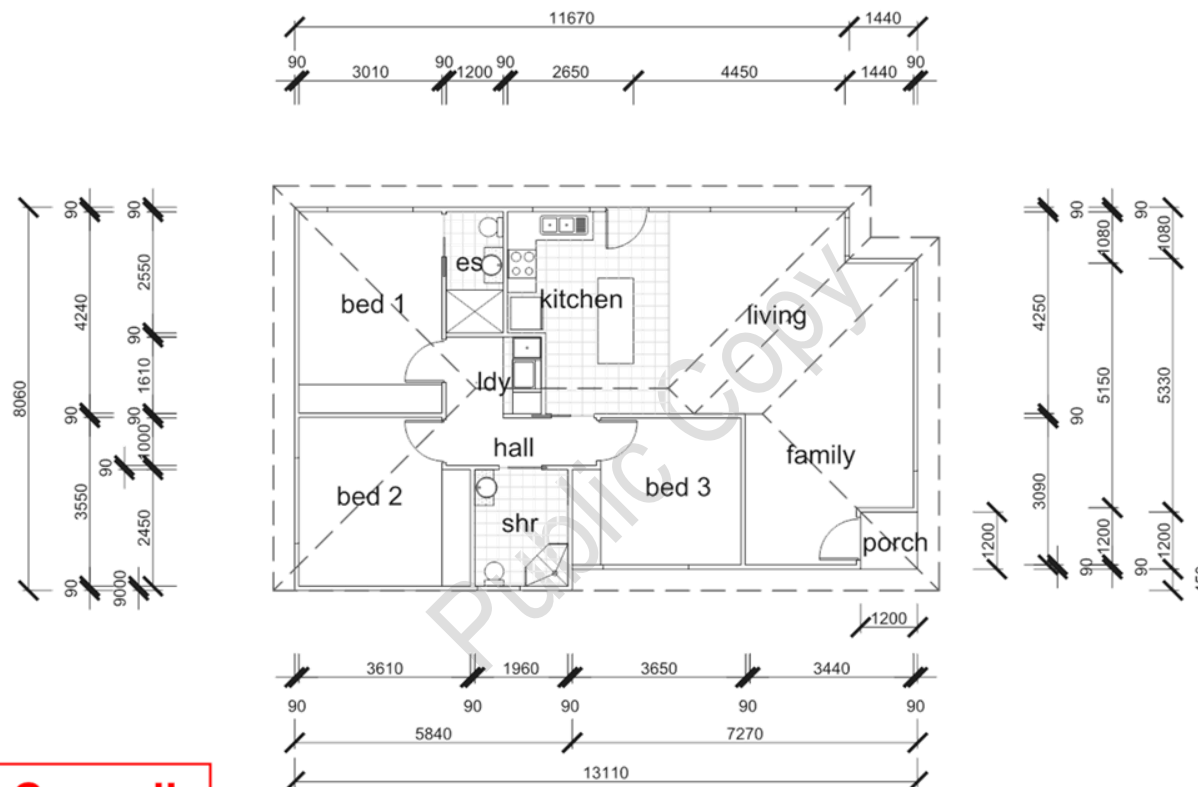
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Issue Date 10Feb22

At: 16 Groningen Road Firthside

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APPLICATION**



FLOOR PLAN
 Area 99.86m² Dwelling +
 2.24 m² porch
 U N I T 3
 S C A L E 1 : 1 0 0

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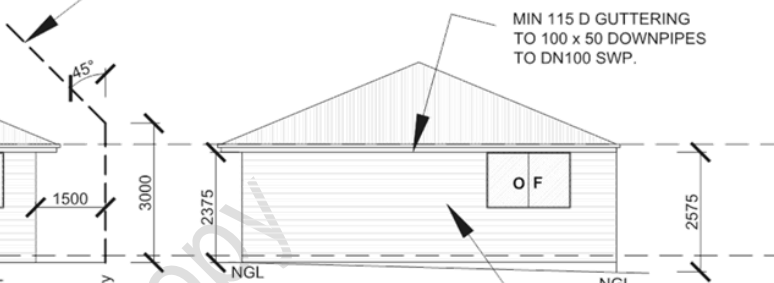
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ROOF PITCHES = 22°

BUILDING ENVELOPE TO PART 10.4.2
OF INTERIM PLANNING SCHEME

DO NOT SCALE THE WRITTEN DIMENSIONS TAKE PRECEDENCE
OVER SCALE
BUILDER TO BUILD FROM COUNCIL APPROVED PLANS ONLY



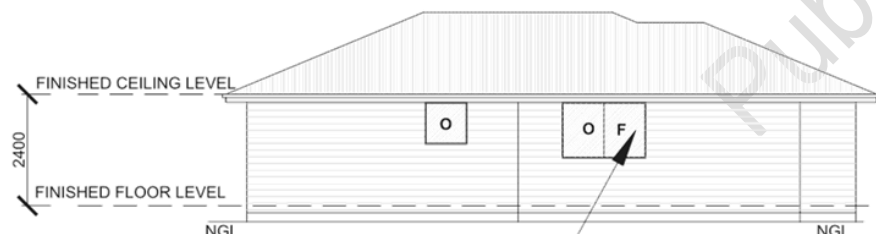
W
U N I T 3
S C A L E 1 : 1 0 0
V I E W



S
U N I T 3
S C A L E 1 : 1 0 0
V I E W

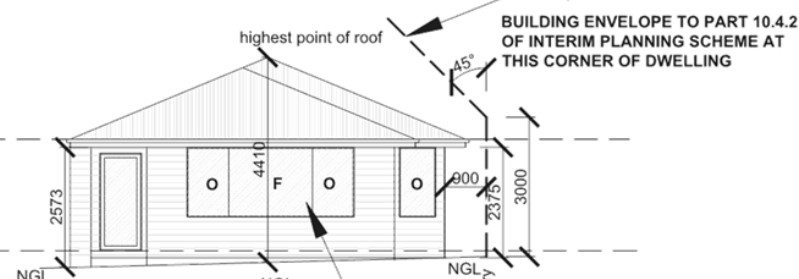
MIN 115 D GUTTERING
TO 100 x 50 DOWNPIPES
TO DN100 SWP.

HARDIES LINEA FC
WEATHERBOARDS OR
SIMILAR OR RENDERED
POLYSTYRENE PANELS



E
U N I T 3
S C A L E 1 : 1 0 0
V I E W

ALUMINIUM FRAMED
WINDOWS AND DOORS



N
U N I T 3
S C A L E 1 : 1 0 0
V I E W

SELECTED ENTRY
DOOR, ANY GLAZING
TO AS1288

BUILDING ENVELOPE TO PART 10.4.2
OF INTERIM PLANNING SCHEME AT
THIS CORNER OF DWELLING



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Accreditation Number CC6451

Proposed: Dwellings

Client: Jodal Property P/L

At: 16 Groningen Road Firthside

JOB: 21023

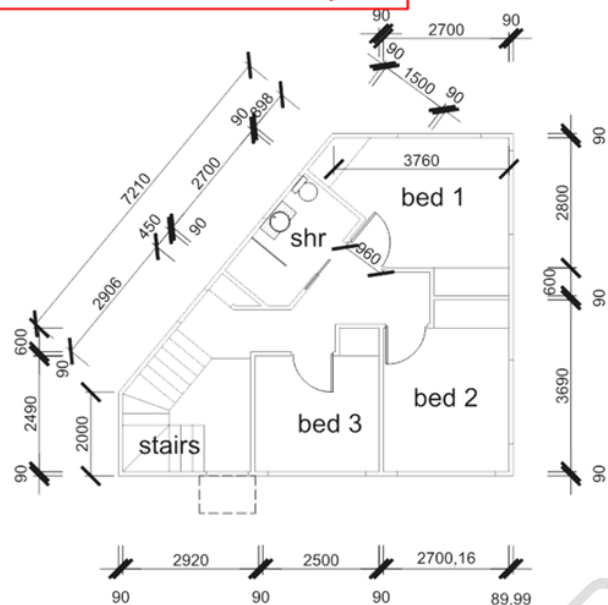
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Revisions:

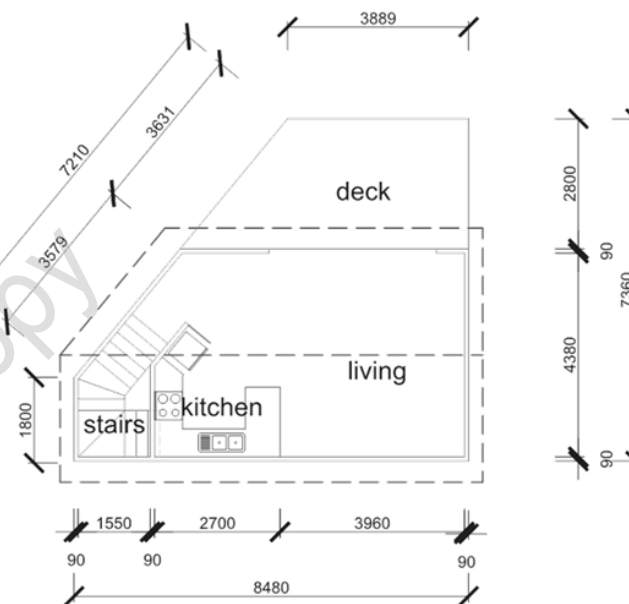
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PREVIOUS PLANNING
APPLICATION

Date placed on Public Exhibition: 30 July 2022



FLOOR PLAN
Area 48.93m² Dwelling
Level 2, Unit 4
SCALE 1 : 100



FLOOR PLAN
Area 35.14m² Dwelling
Level 3, Unit 4
SCALE 1 : 100

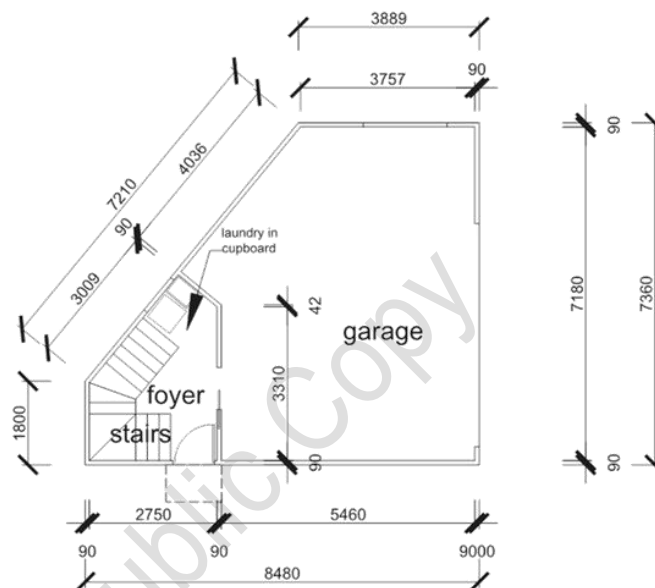
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Plan Reference No.: P4

Date Received: 23 February 2022

Date placed on Public Exhibition: 30 July 2022

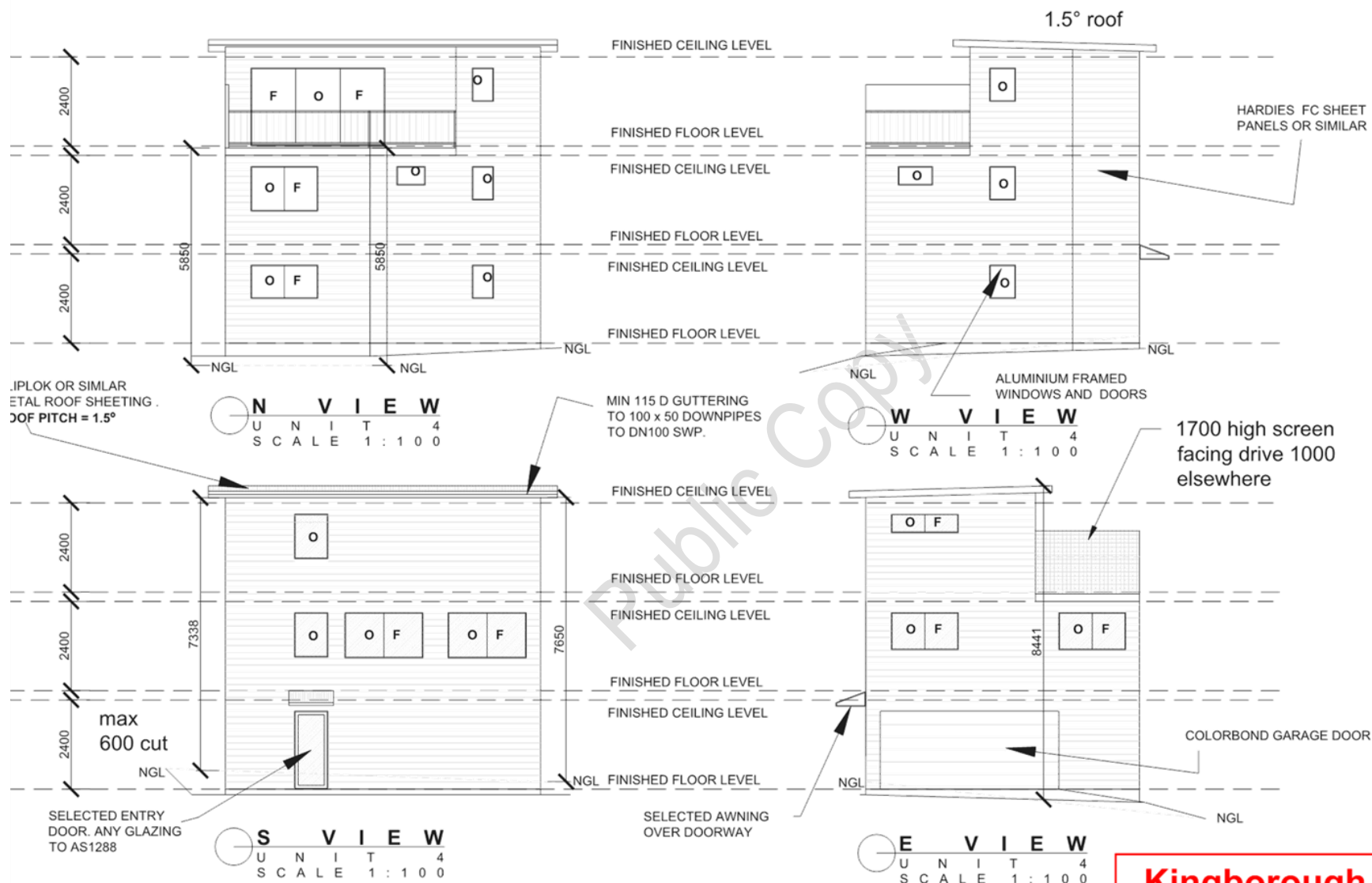


FLOOR PLAN

Area 8.97m² Dwelling
Level 1, Unit 4
SCALE 1 : 100

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	Client: Jodal Property P/L		Sheet :11 of 28	Date: February 2022© Issue Date 10Feb22	

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Proposed: Dwellings

JOB: 21023

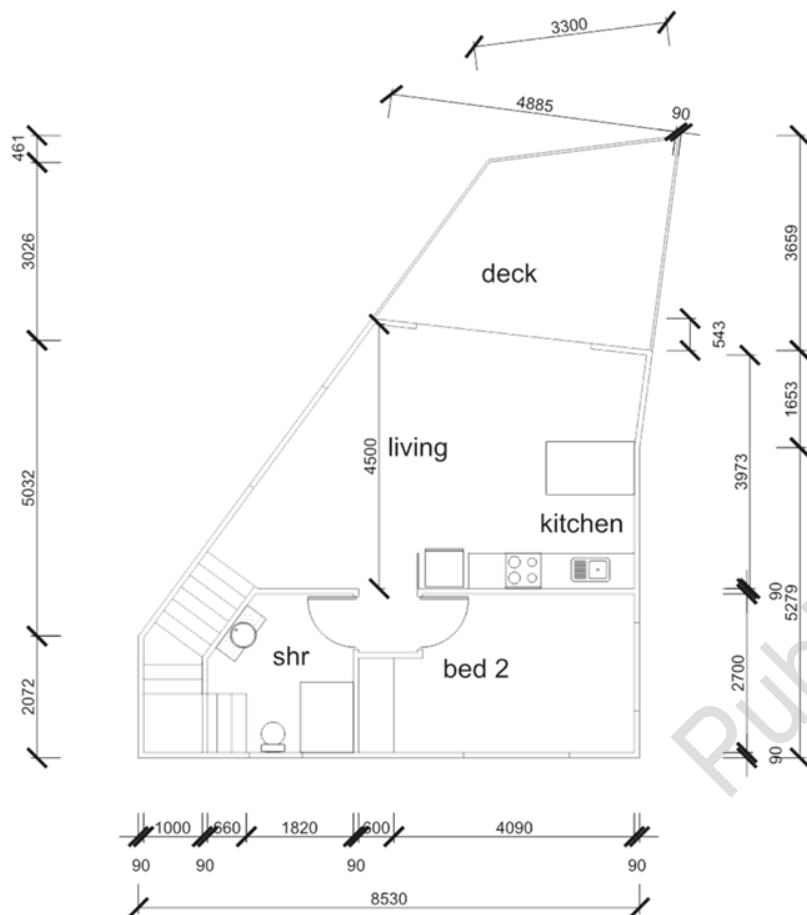
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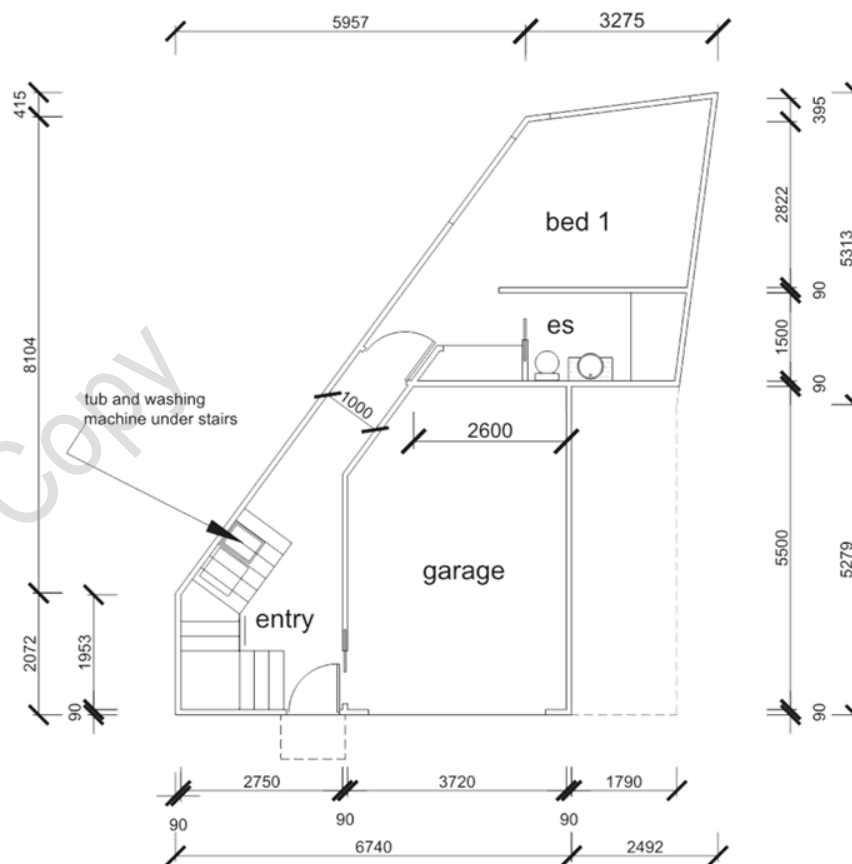
Sheet :12 of 28

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 Issue Date 10Feb22

At: 16 Groningen Road Eirtheide



UPPER FLOOR PLAN
 Area 52.03m² Dwelling
 U n i t 5
 S C A L E 1 : 1 0 0



LOWER FLOOR PLAN
 Area 54.83m² Dwelling
 U n i t 5
 S C A L E 1 : 1 0 0

Kingborough Council

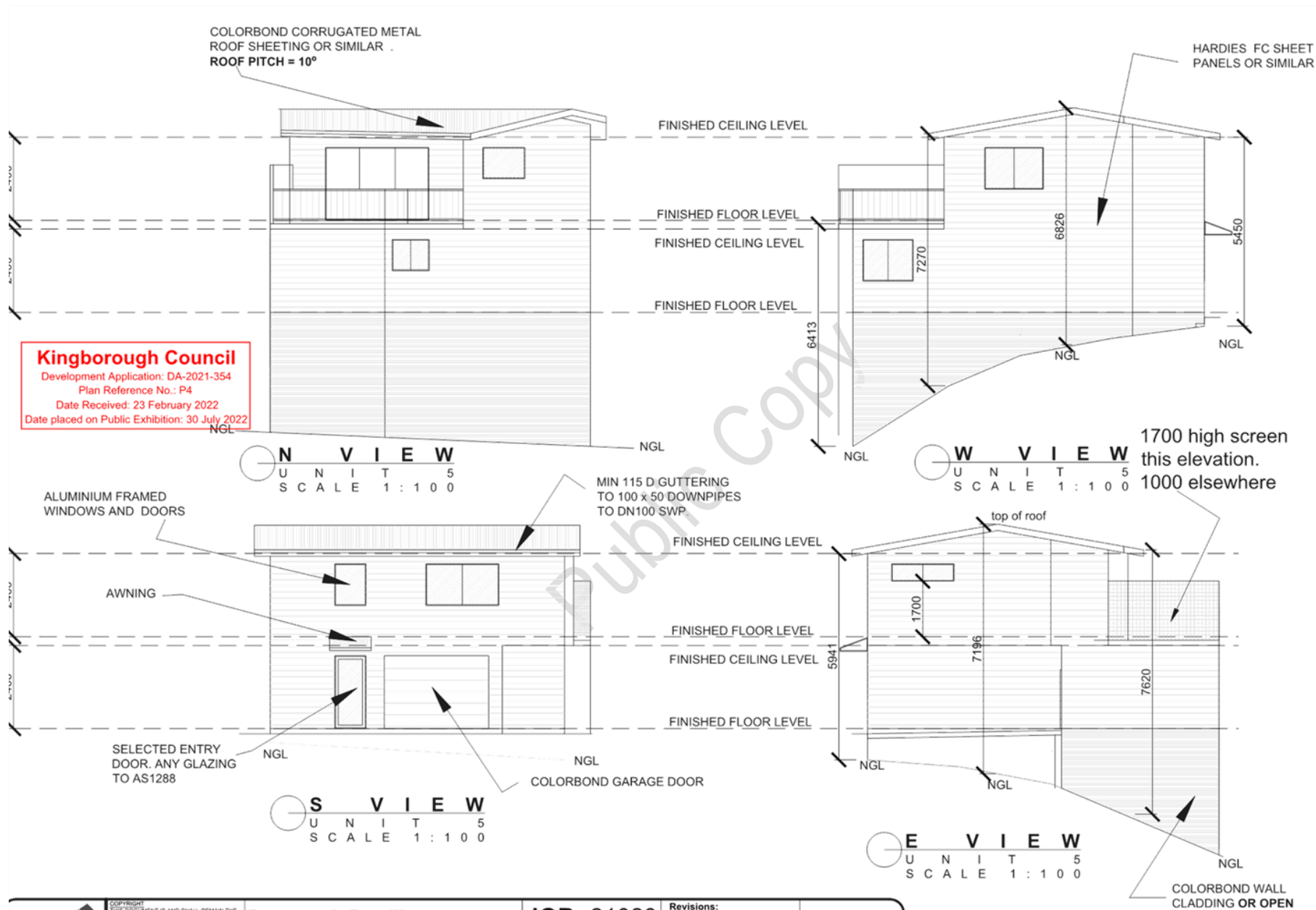
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Plan Reference No.: P4

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Proposed: Dwellings

Client: Jodal Property P/L

JOB: 21023

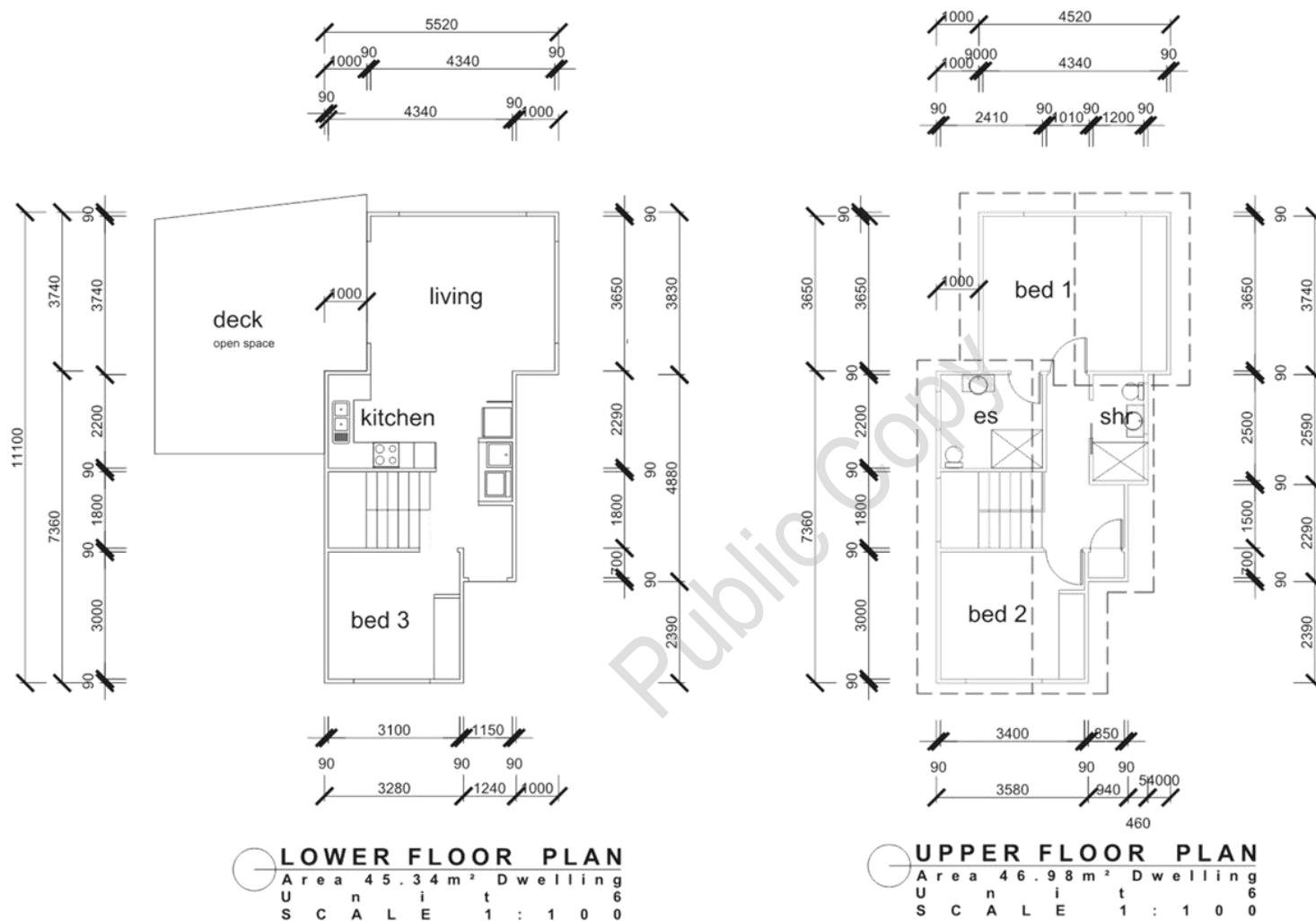
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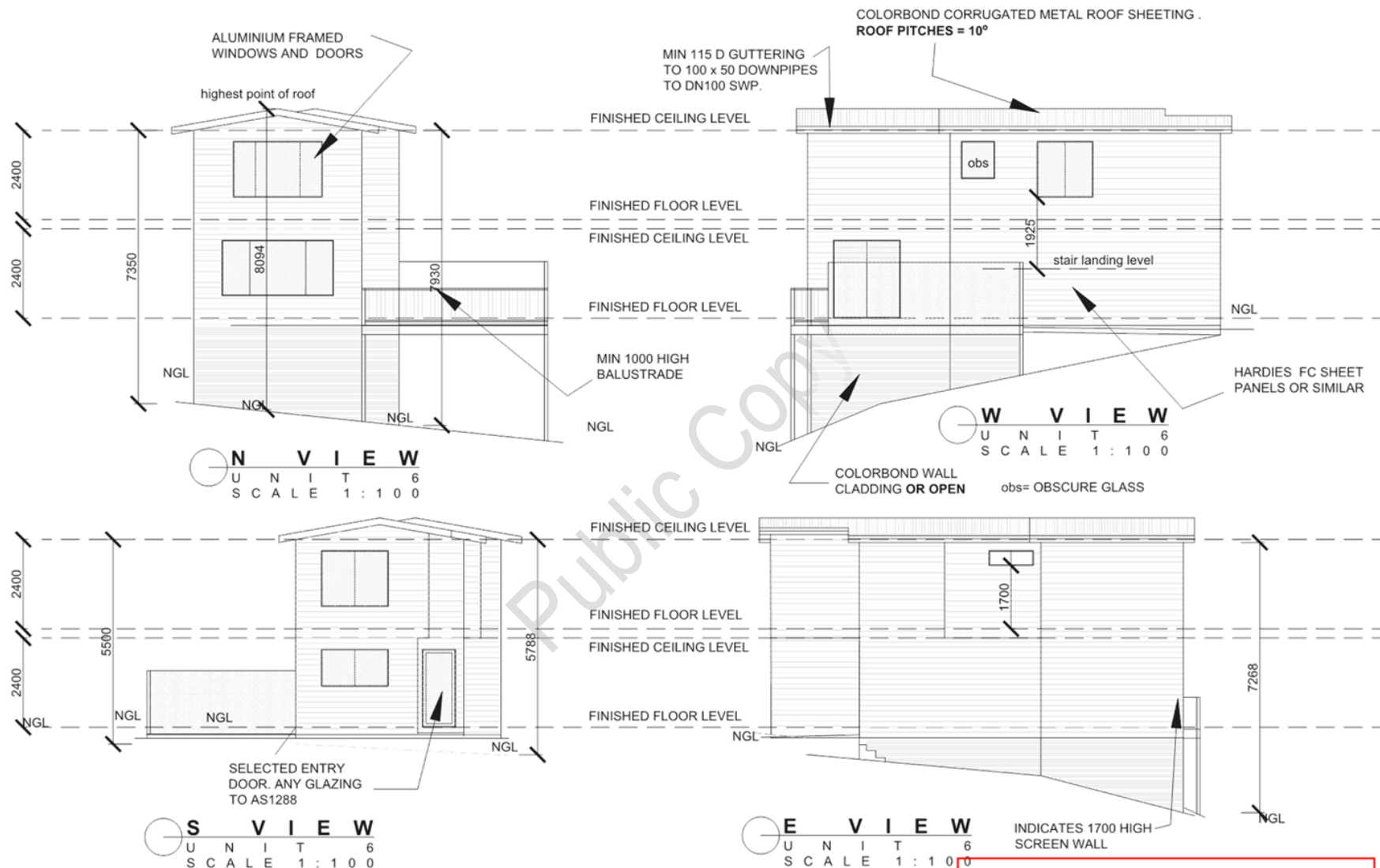
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At: 16 Cronin Road Eirtheide



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Proposed: Dwellings

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Revisions:

Client: Jodal Property P/L

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At: 16 Groningen Road Firthside

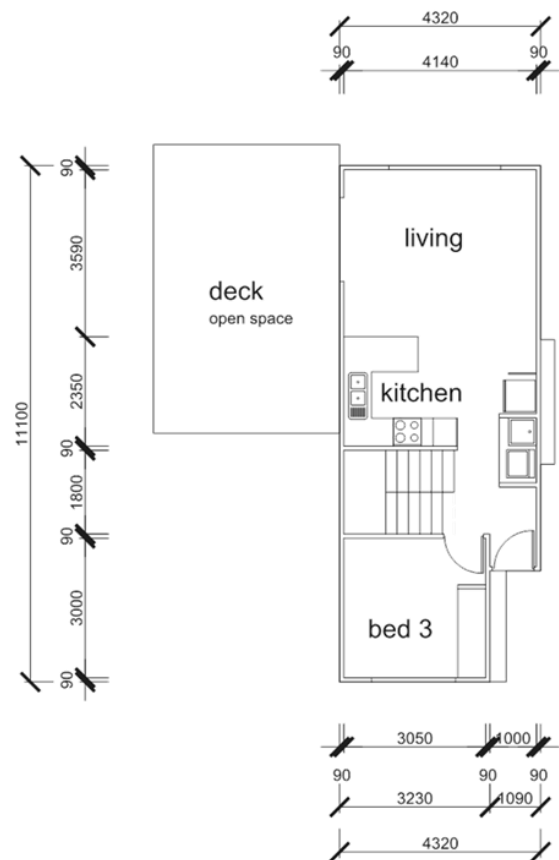
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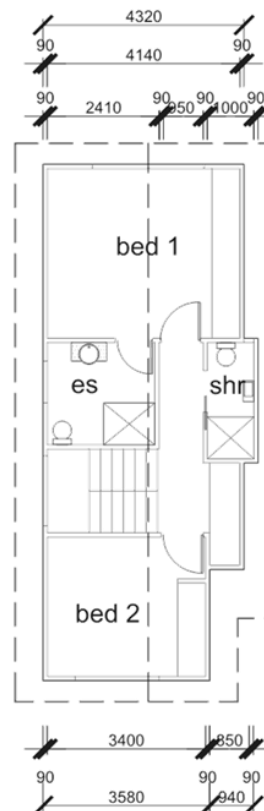
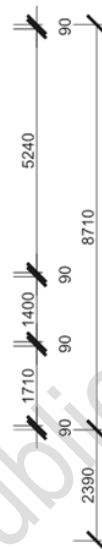
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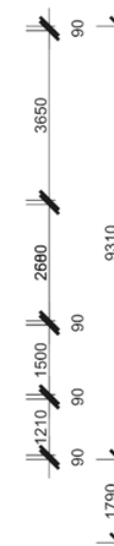
Date placed on Public Exhibition: 30 July 2022



LOWER FLOOR PLAN
 Area 45.34 m² Dwelling
 U n i t : 1 0 0
 S C A L E 1 : 1 0 0



UPPER FLOOR PLAN
 Area 46.98 m² Dwelling
 U n i t : 1 0 0
 S C A L E 1 : 1 0 0



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Proposed: Dwellings

Client: Jodal Property P/L

At: 16 Groningen Road Firthside

JOB: 21023

Sheet :17 of 28

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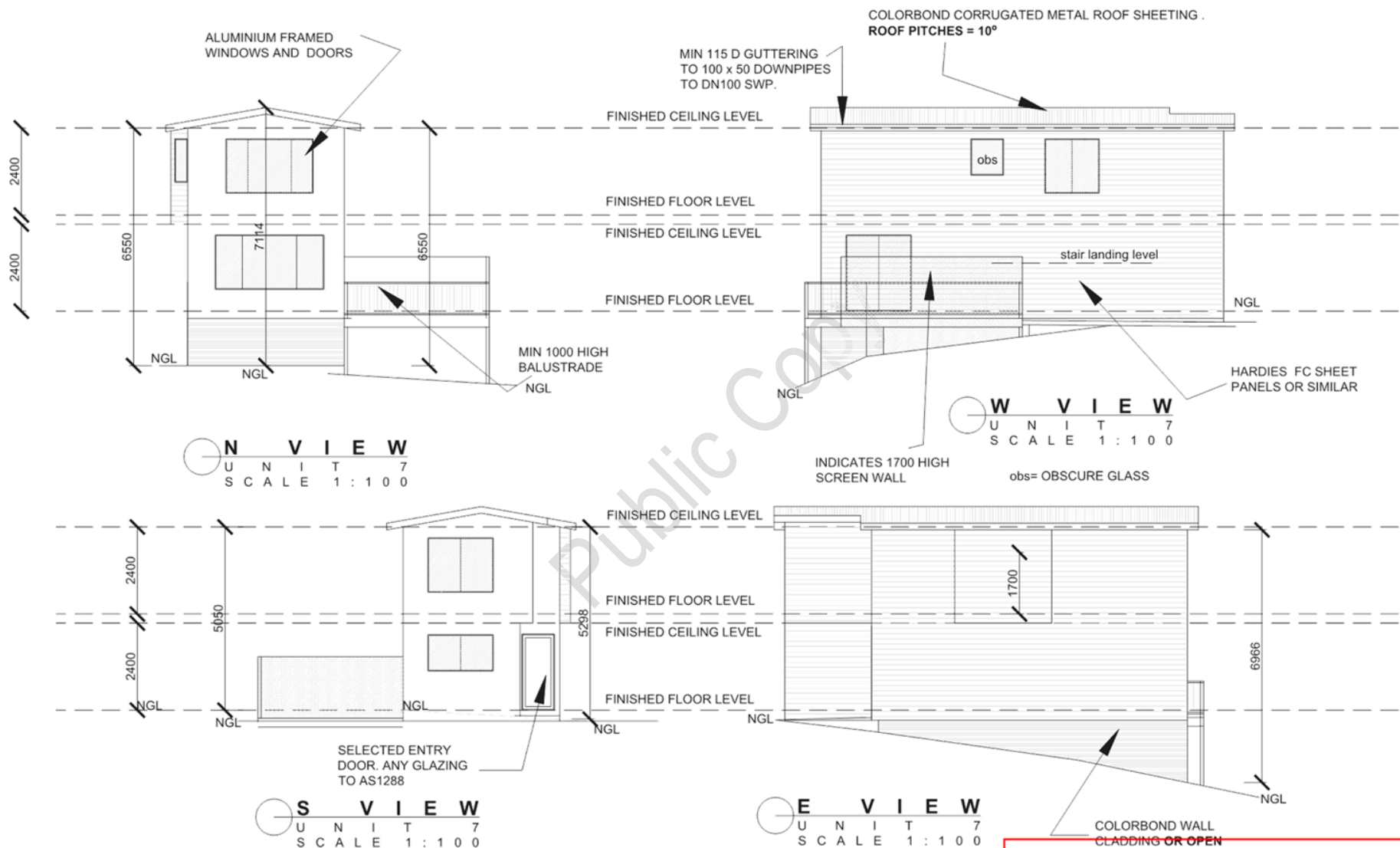
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Plan Reference No.: P4

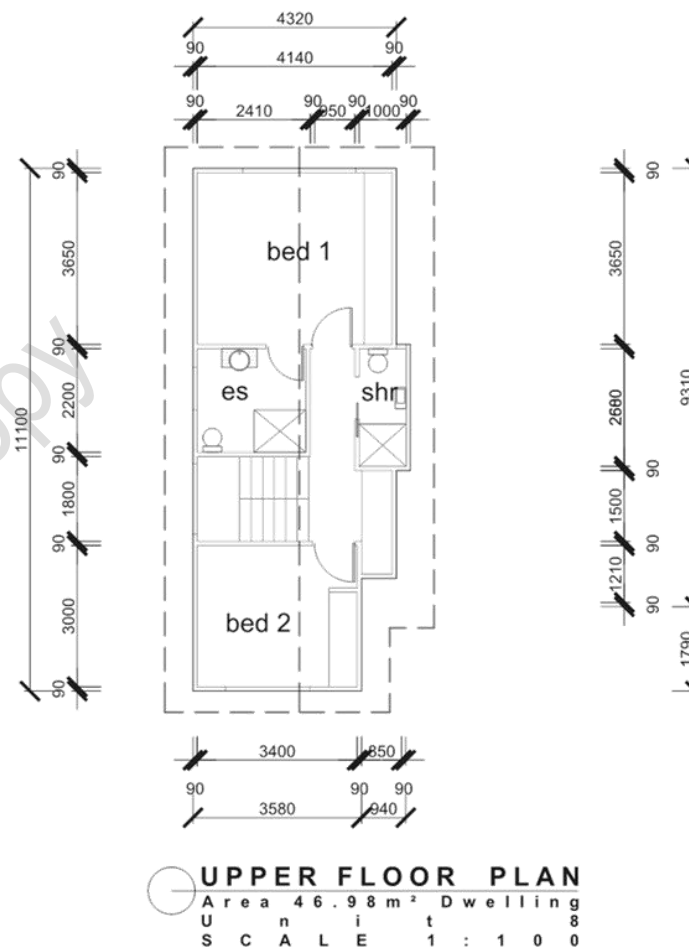
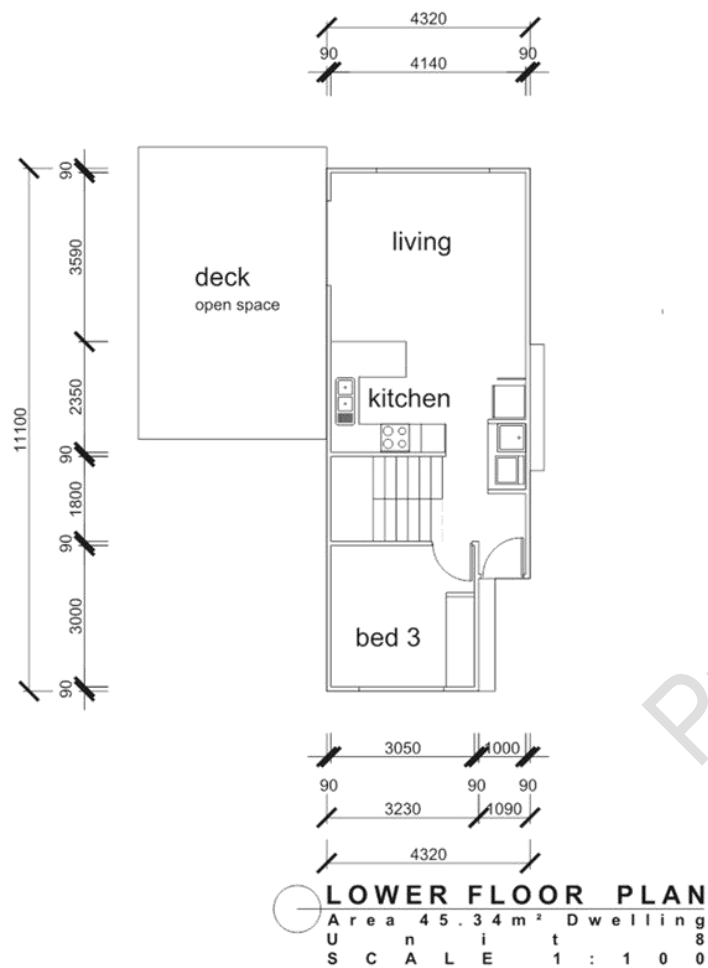
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Proposed: Dwellings

Client: Jodal Property P/L

JOB: 21023

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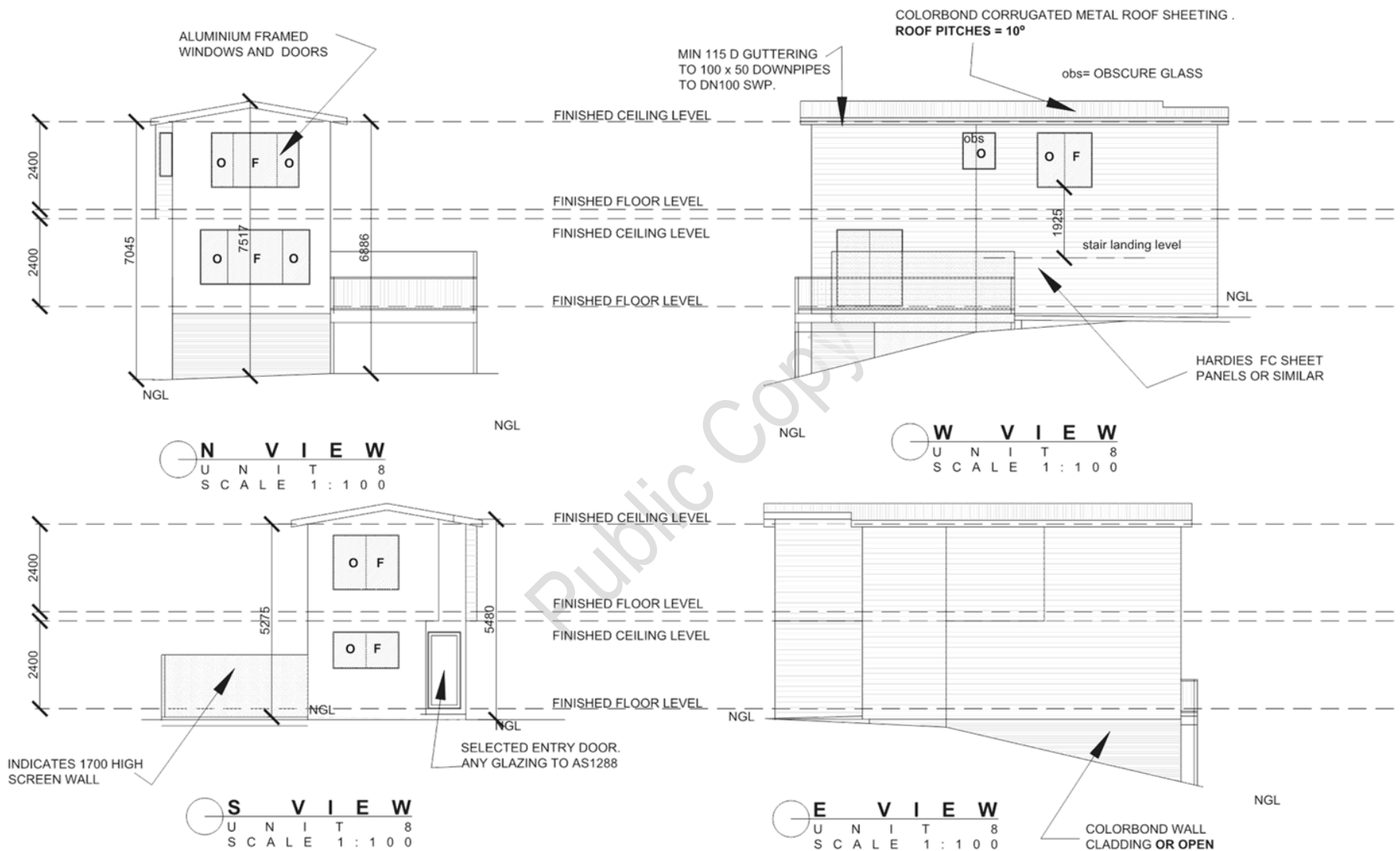
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Plan Reference No.: P4

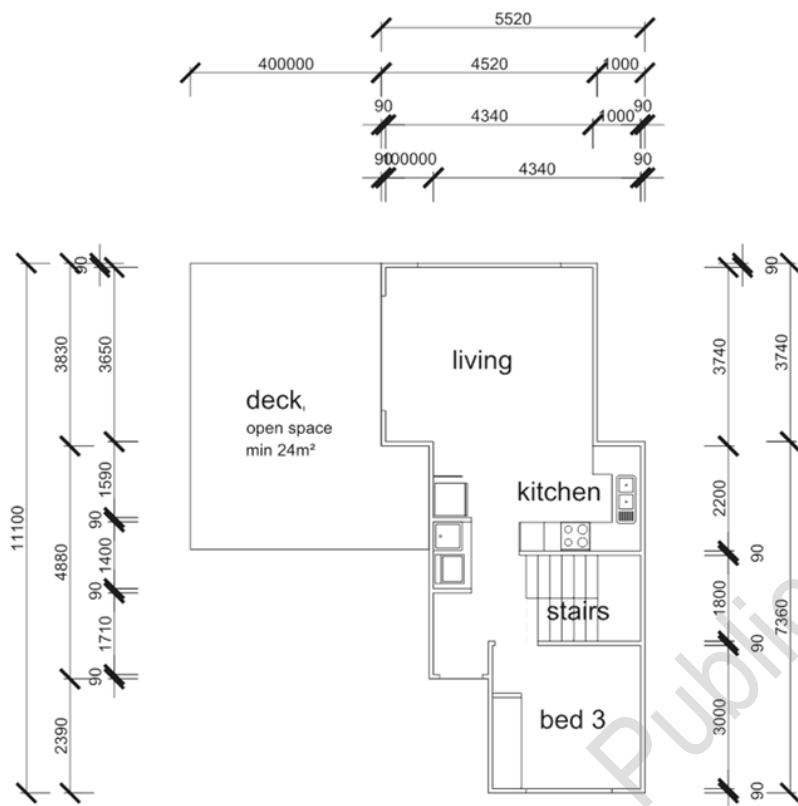
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Date placed on Public Exhibition: 30 July 2022

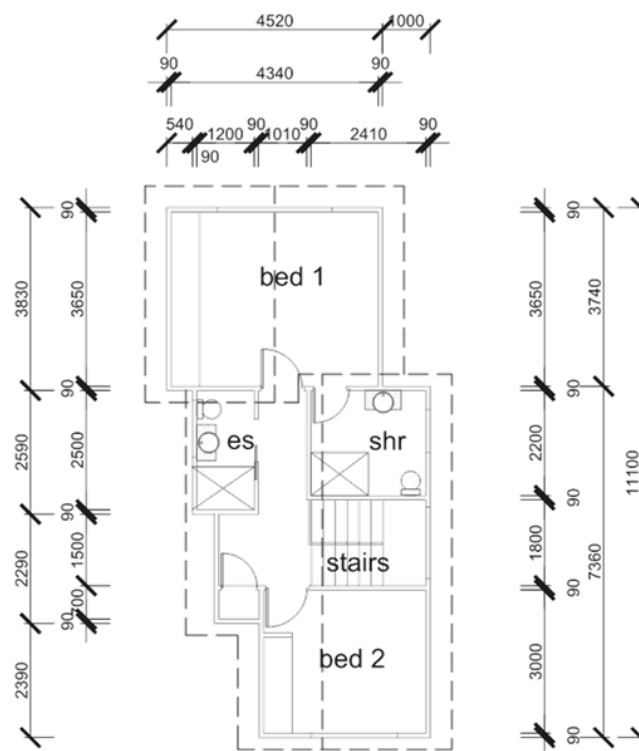


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Kingborough Council
 Development Application: DA-2021-354
 Plan Reference No.: P4
 Date Received: 23 February 2022
 Date placed on Public Exhibition: 30 Julv 2022



LOWER FLOOR PLAN
Area 47.29 m² Dwelling
U n i t 9
S C A L E 1 : 1 0 0



UPPER FLOOR PLAN
Area 49.20 m² Dwelling
U n i t 9
S C A L E 1 : 1 0 0

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			Client: Jodal Property P/L	Sheet :21 of 28	Drawn :RV
			At: 16 Groningen Road Firthside		Date: February 2022©
					Issue Date 10Feb22

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Development Application: DA-2021-354
Plan Reference No.: P4
Date Received: 23 February 2022
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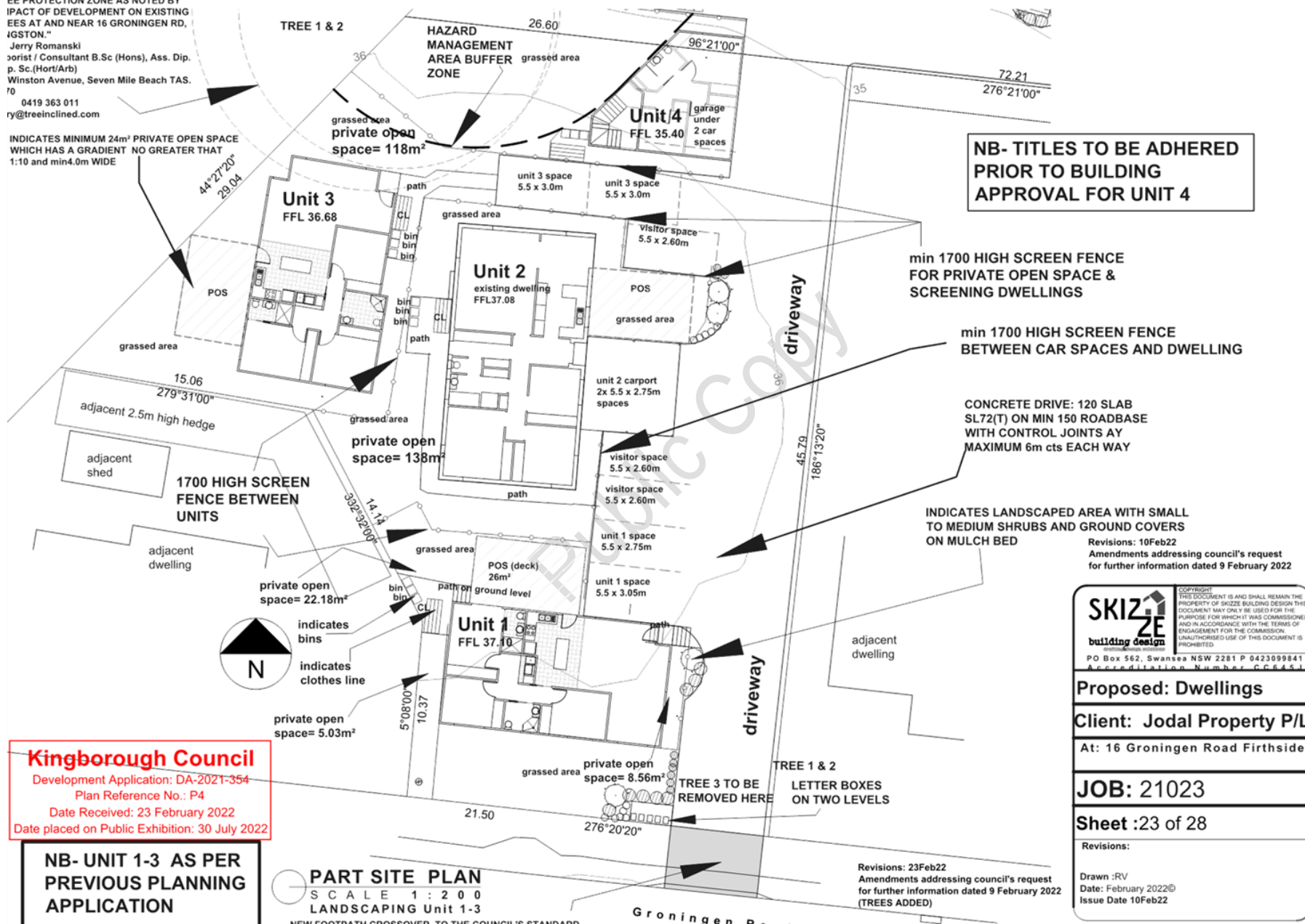


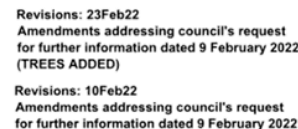
EE PROTECTION ZONE AS NOTED BY
IPACT OF DEVELOPMENT ON EXISTING
EES AT AND NEAR 16 GRONINGEN RD,
JGTON."

Jerry Romanski
Consultant B.Sc (Hons), Ass. Dip.
p. Sc.(Hort/Arb)
Winston Avenue, Seven Mile Beach TAS.
70

0419 363 011
ry@treeinclined.com

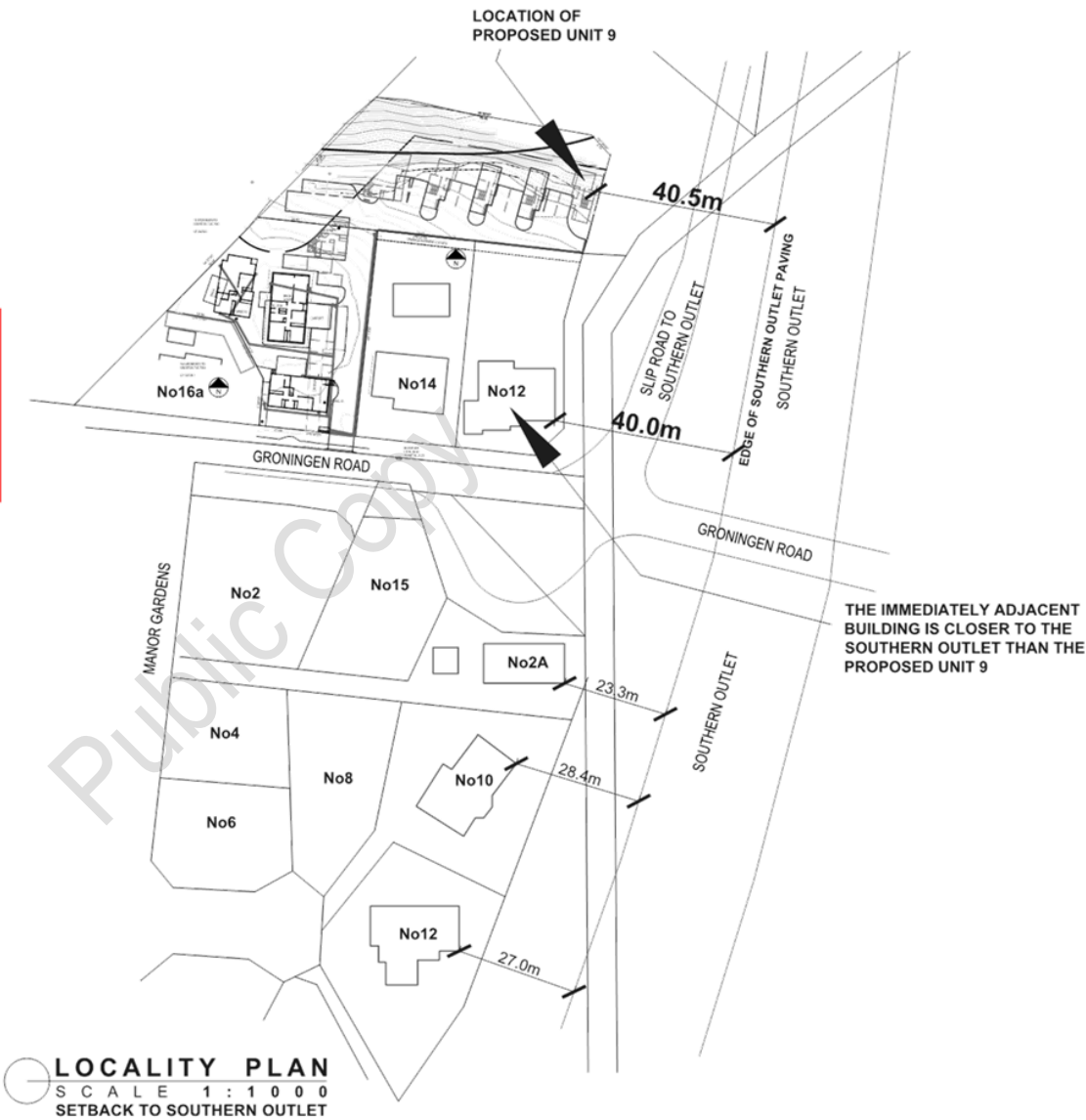
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WHICH HAS A GRADIENT NO GREATER THAT
1:10 and min 4.0m WIDE





**NB- UNIT 1-3 AS PER
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Development Application: DA-2021-354
Plan Reference No.: P4
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	Proposed: Dwellings	JOB: 21023	<small>Drawn :RV Date: February 2022© Issue Date 10Feb22</small>	
Client: Jodal Property P/L		Sheet :25 of 28		

Revisions: 10Feb22
Amendments addressing council's request for further information dated 9 February 2022

At: 16 Groningen Road Firtheide

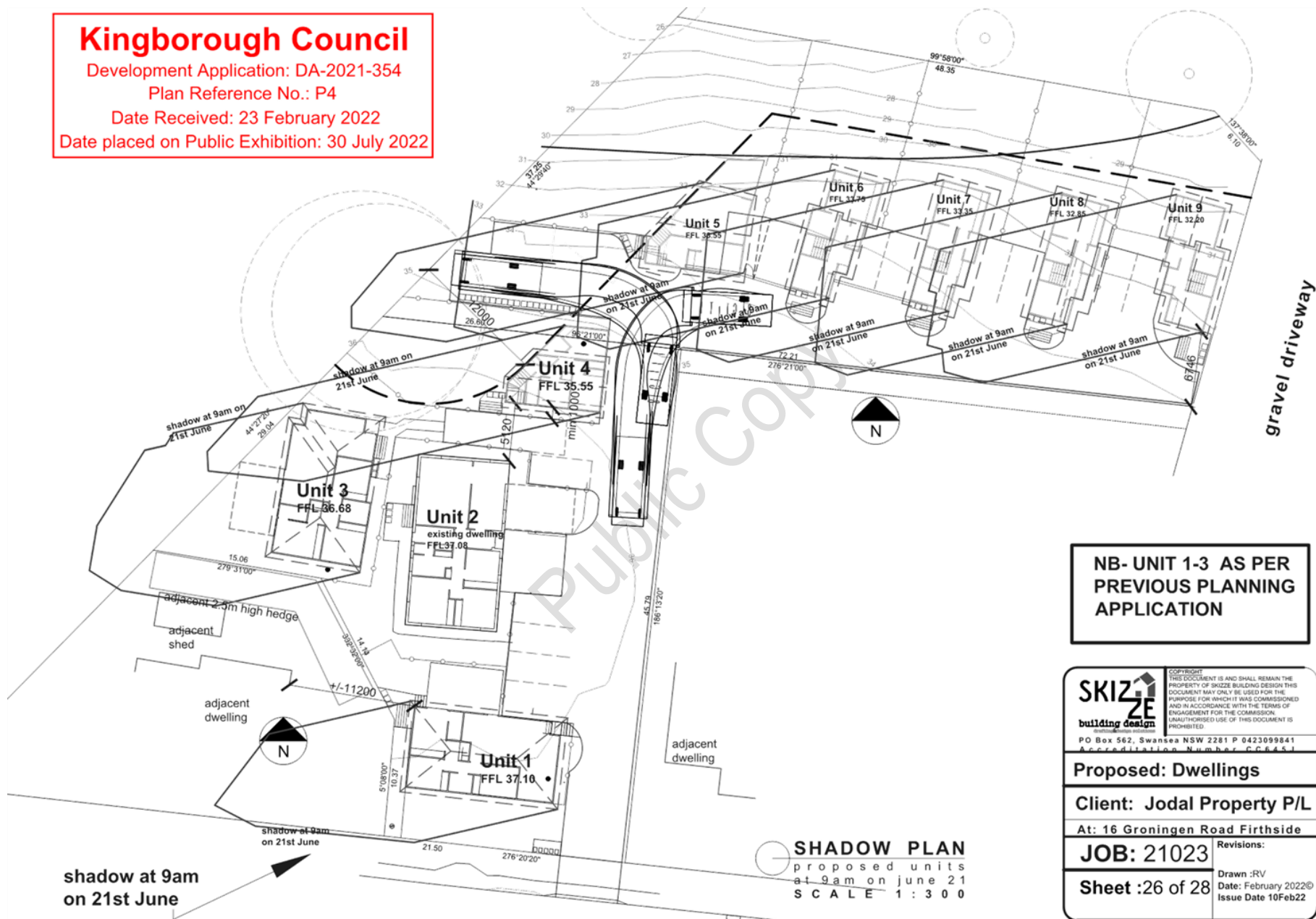
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Proposed: Dwellings

Client: Jodal Property P/L

At: 16 Groningen Road Firthside

JOB: 21023

Sheet :26 of 28

Revisions:
Drawn :RV
Date: February 2022©
Issue Date 10Feb22

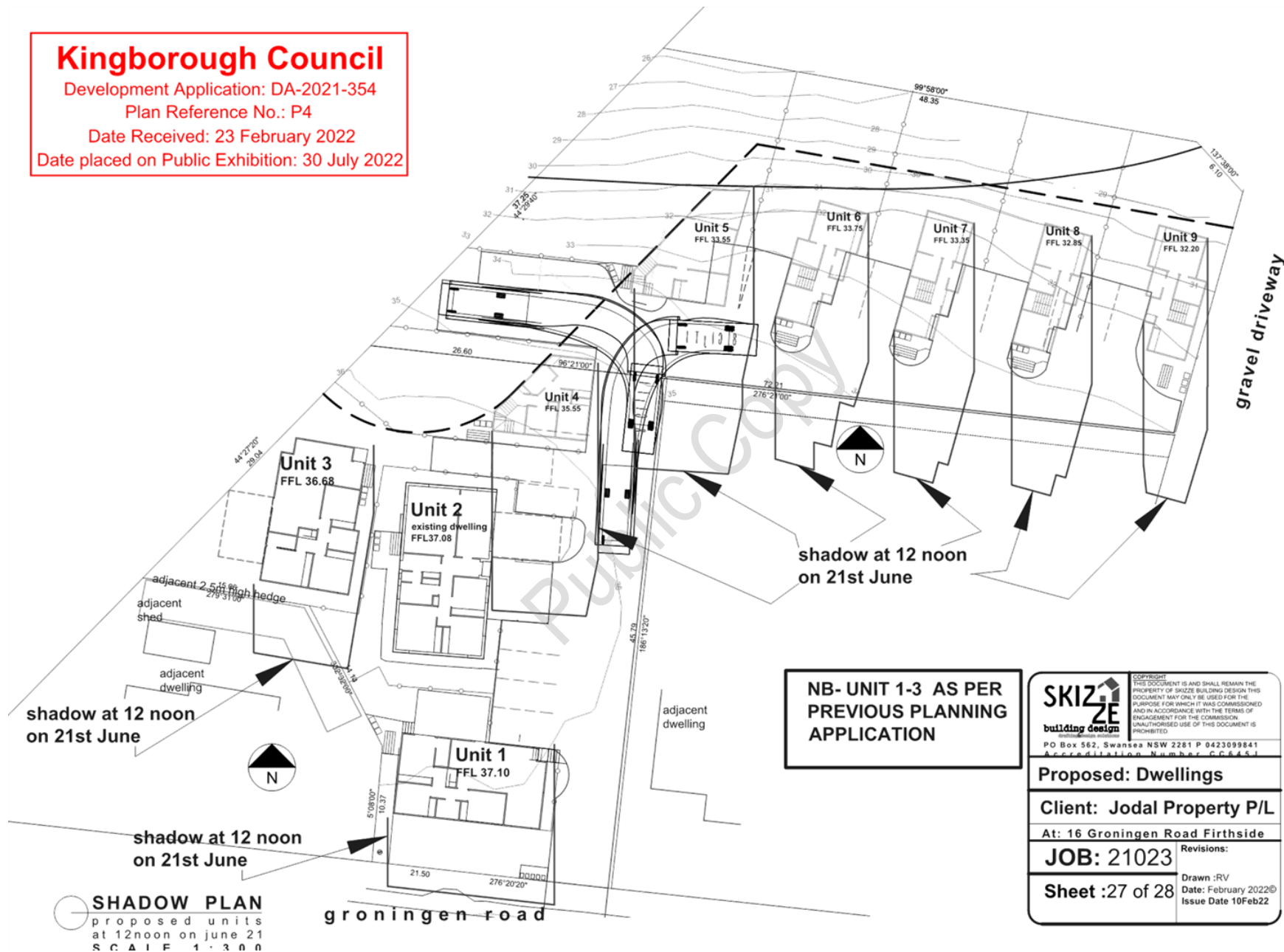
Kingborough Council

Development Application: DA-2021-354

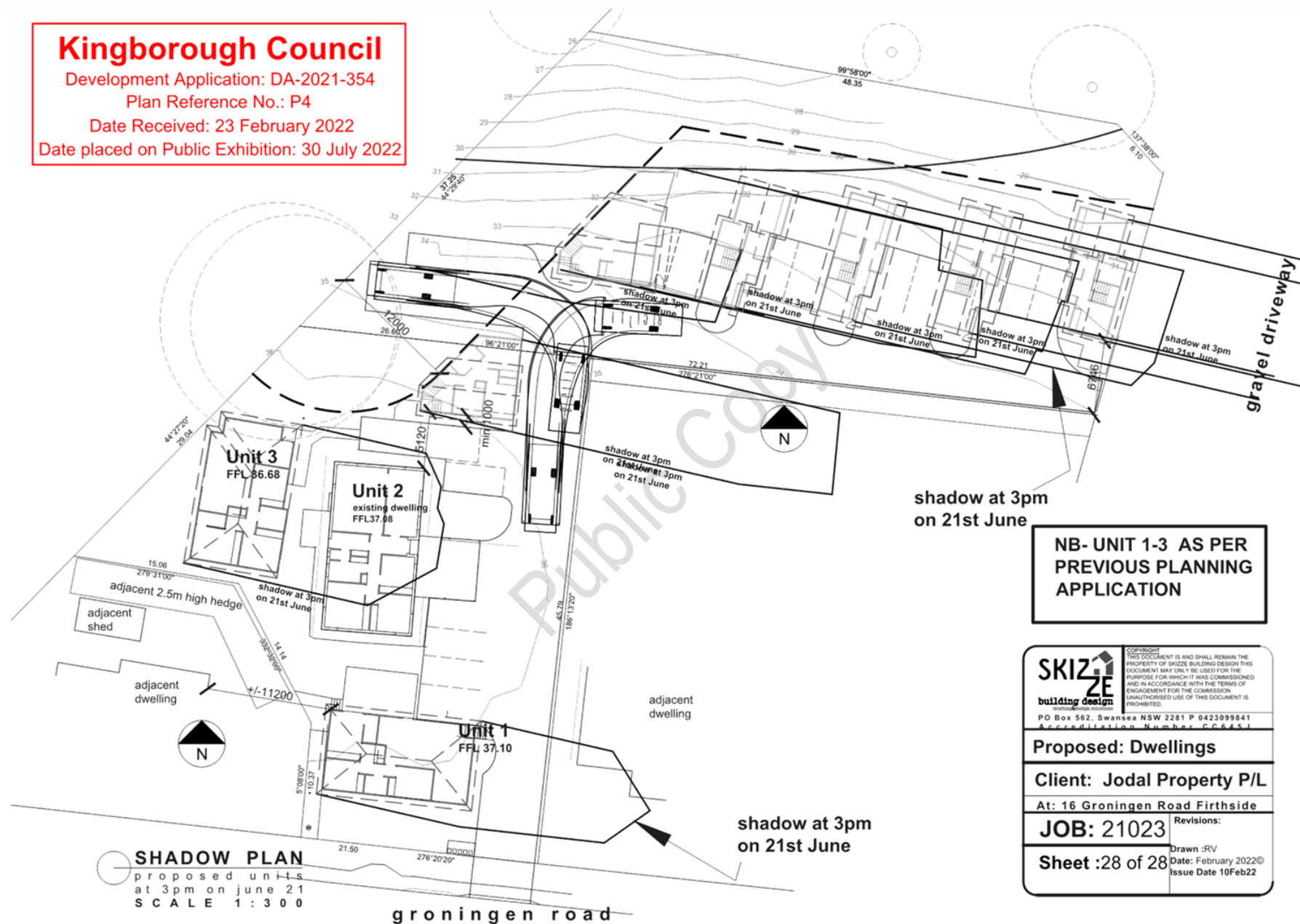
Plan Reference No.: P4

Date Received: 23 February 2022

Date placed on Public Exhibition: 30 July 2022



Date placed on Public Exhibition: 30 July 2022



DEVELOPMENT APPLICATION NUMBER: DA-2021-354

Assessment Checklist for Development Applications for Multiple Dwellings within the General Residential Zone

Application No: DA-2021-354	Description: 9 multiple dwellings (1 existing, 2 previously approved)
Applicant: Jodal Property Pty Ltd	Owner: Jodal Property Pty Ltd
Location: 16 Groningen Road, Kingston	

General Residential Zone Provisions (multiple dwellings)

Checklist is based on KIPS2015 and provisions of IPD4 (which commenced 22 Feb 2021)

Clause	Compliance/Comments
10.4.1 - Residential Density for multiple dwellings A1 - Multiple dwellings must have a site area per dwelling of not less than 325m ² .	A1 – Complies Total Area – 3,119m ² . Density of 9 Multiple Dwellings is 346m ²
10.4.2 - Setbacks and building envelopes for all dwellings A1 - Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. 	A1(a-e) – Complies Unit 4 – complies The site is currently two titles. Proposed Unit 4 is located on 16 Groningen Rd (Lot 4 CT132129/4). Proposed Units 5-9 are located on Lot 4 CT86103/4. Only Lot 4 CT132129/4 has a frontage to a road. Unit 4 No 16 Groningen Rd CT132129/4 <ul style="list-style-type: none"> • setback from primary frontage (Groningen Rd) - 39m

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<p>A2 - A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	<p>A2(a-c) – Unit 4 Complies</p> <p>The site is currently two titles. Proposed Unit 4 is located on 16 Groningen Rd (Lot 4 132129/4). Proposed Units 5-9 are located on Lot 4 86103/4.</p> <p>Unit 4 No 16 Groningen Rd CT132129/4</p> <ul style="list-style-type: none"> • Garage setback from primary frontage (Groningen Rd) - 39m
<p>A3 - A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<p>A3(a) – Not Complying – Units 4 and 9 do not comply.</p> <p>Units 5-8 comply to Building Envelope.</p> <p>Unit 4 - although setback 6m from the east side boundary the 3 storey building is not contained within the building envelope. The east elevation on the 3rd storey extends 1.6m above the building envelope.</p> <p>Unit 9 with a setback of 0.9m does not comply with the building envelope – see drawing below. Part of the east wall is 1.1m above the building envelope lone.</p> <p>A3(b) – Unit 9 complies with (b) as the east elevation of the Unit is 7.2m which is less than one third the length of the side boundary.</p>
<p>A4 - No trees of high conservation value will be impacted.</p>	<p>A4 – Not Complying</p> <p>An Arboricultural Impact Assessment & Tree Protection Specification (Philip Jackson, February 2022) shows that there are six (6) Eucalypt trees on and adjacent to the subject lot which will be impacted as a result of the proposed development.</p> <p>As four of the five trees proposed for retention are considered very high or</p>

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	high conservation value trees, and will be impacted through TPZ encroachment, an assessment against the performance criteria must be provided.
<p>10.4.3 - Site coverage and private open space for all dwellings</p> <p>A1 - Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p> <p>A2 - A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>A1(a) – Complies - Site coverage is 598 m² - approx. 20%</p> <p>A1(b) – Complies- all units have an area of at least 60m².</p> <p>Unit 4 - >100 m²</p> <p>Unit 5 - >100 m²</p> <p>Unit 6 - >100 m²</p> <p>Unit 7 - >100 m²</p> <p>Unit 8 - >90 m²</p> <p>Unit 9 - >75 m²</p> <p>A2(a) –</p> <p>All the units have sufficient area for a Private Open Space that will comply with A1. In relation to Units 5-9 they provide a defined POS in decks of 24m² at ground floor level with direct access from their living areas.</p> <p>Units 4 and 5 provide decks with areas of 12m² but this area cannot comply as they also have part of their floor levels less than 1.8m. There is sufficient land in the nominated yard areas of these units to provide complying POS.</p>
<p>10.4.4 - Sunlight to private open space of multiple dwellings</p> <p>A1 - A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</p> <p>(i) at a distance of 3m from the northern</p>	<p>A1(a) –</p> <p>A1(b) – Complies</p> <p>Unit 4 is 5.12m north of Unit 2</p> <p>Unit 5 is 6.7m north of Unit 4.</p> <p>Units 5-9 are in a line east -west and not technically north of each other.</p> <p>Units 5-9 are within 3m from the northern edge of the private open</p>

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<p>edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p>space of the adjacent unit.</p> <p>Shadow diagrams have been provided demonstrating that they comply with A1(b).</p> <p>Units 4-9 all provide a 1.7m high fence internally separating the units and their yards.</p>
<p>10.4.5 - Width of openings for garages and carports for all dwellings</p> <p>A1 - A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p>A1 – NA – No garage/carport within 12m of a primary frontage.</p>
<p>10.4.6 - Privacy for all dwellings</p> <p>A1 - A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site</p>	<p>A1 – Not Complying</p> <p>A1(a) – Complying Unit 4 complies and is setback more than 3m from the side boundary. It has a deck at the 3rd level which has a 1.7m high screen facing the side boundary.</p> <p>Units 5-8 comply as they are all greater than 3m from side boundaries.</p> <p>Unit 9 is setback 0.9m from the side boundary. However the deck is setback 6.2m from the side boundary.</p> <p>A1(b) – Complies Units 4-9 units are setback more than 4m from rear boundaries.</p> <p>A1(c) – Not Complying Units 5-9 all have decks within 6m of the adjacent dwellings windows to habitable rooms and decks.</p> <p>Units 7, 8 and 9 comply as they are separated more than 6m. The Unit 4 deck is more than 6m from Unit 2 and Unit 5.</p>

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	The Unit 5 deck is 5.4m from Unit 6
<p>A2 - A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 	<p>A2 Complies</p> <p>A2(a) –</p> <ul style="list-style-type: none"> (i) All Units are more than 3m from side boundaries. (ii) All units are more than 4m from rear boundary (iii) Units 6-9 comply as they are more than 6m from their adjacent units. <p>Unit 5 complies in that while it is less than 6m from Unit 6 it complies with A2(b) – The only window facing Unit 6 has a sill height of not less than 1.7m above the floor level.</p> <p>Unit 4 does not comply as it is less than 6m from Unit 2.</p> <ul style="list-style-type: none"> (iv) Units 4, 6-8 are all within 6m from the private open space of another dwelling on the same site. <p>Unit 5 complies in that while it is less than 6m from the POS for Unit 6 it complies with A2(b) – The only window facing Unit 6 has a sill height of not less than 1.7m above the floor level.</p> <p>Unit 6, 7 and 8 comply to A2(b) in that the windows facing other units are either Obscure Glass, or a sill height of not less than 1.7m above the floor level, or there are no windows I the particular elevation.</p> <p>Unit 9 complies and is more than 6m from the POS for Unit 8.</p>

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<p>A3 - A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or (b) 1m if:</p> <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	<p>A3 - Complies</p> <p>All the units comply to A3(b) through their design and placement of windows with sill heights of not less than 1.7m above the shared driveway or parking space, and obscure glazed glass entry doors at ground level.</p>
<p>10.4.7 - Frontage fences for all dwellings</p> <p>A1 - No Acceptable solution (when not exempt)</p>	<p>A1 – NA</p> <p>The development will include a 2.4m high treated pine sound wall located along the eastern side boundary. This boundary is not a frontage.</p>
<p>10.4.8 - Waste storage for multiple dwellings</p> <p>A1 - A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that:</p> <ul style="list-style-type: none"> (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area. 	<p>A1(a- b) – Complies –</p> <p>The development includes provision for single unit waste vehicle to service the site. The service vehicle has a dedicated turning bay to turn on site. The permit includes conditions for the applicant to provide for a private waste service.</p>

Code Provisions

Clause	Compliance/Comments
<p>E1.0 Bushfire-Prone Areas Code</p> <p>While the proposed development is located within a Bushfire Prone Area, the Bushfire Prone Areas Code does not apply to the residential use class. Notwithstanding, impacts of any vegetation removal have been assessed against the provisions of the Biodiversity Code.</p>	

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A Bushfire Report and Hazard Management Plan (North Barker Ecosystem Services, 8th September 2021) has assessed the proposal as BAL-29 and shows that the hazard management area (HMA) is contained entirely within the subject lots. The minimum defendable space required for BAL-29 shown on the amended plans is consistent with the Bushfire Report and Hazard Management Plan. The amended plans also show that the proposal will be constructed to BAL-29 and the HMA contained to the subject lots' boundaries

E3.0 Landslide Code

While the proposed development is within a Low Landslide Hazard Area, works are limited to foundations for Units 5-8 or the fencing between units. Therefore, the development is exempt from this Code.

E5.0 Road and Railway Assets Code

Existing road accesses and junctions (cl.E5.5.1)

- The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

A1 – **Not Complying**

Traffic is increased more than 40 vehicle movements per day.

Development adjacent to roads and railways (Cl.E5.6.1)

- A1.1 – except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:
 - (a) new buildings;
 - (b) other road or earth works; and
 - (c) building envelopes on new lots. Location of development from category 1 or 2 road or area subject to speed limit of more than 60 kmh: at least 50 metres
- A1.2 – Buildings, may be:
 - (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or
 - (b) an extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.

A1.1 – **Not Complying**

The proposed units are located closer than 50m to the Category 1 State road and do not comply with A1.2.

A1.2 – NA

Road access and junctions (Cl.E5.6.2)

- A1 - New access or junction to roads in area where speed limit more than 60 kmh
- A2 – Number of accesses in an area where speed limit is 60 kmh or less

A1 – NA

A2 – NA

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<p>Sight distance at access, junctions and level crossings (Cl.E5.6.4)</p> <ul style="list-style-type: none"> A1 – Sight distances at access &/or junctions complies with table 	A1 – NA
E6.0 Parking and Access Code	
<p>Use standards – number of car parking spaces (Cl.E6.6.1)</p> <ul style="list-style-type: none"> A1 - Number of on-site car parking spaces complies with table 	A1 – Complies - 2 car spaces per unit and 2 visitor spaces provided.
<p>Number of vehicular accesses (Cl.E6.7.1)</p> <ul style="list-style-type: none"> A1 – Number of vehicle access points complies 	A1 – Complies – 1 access point to road.
<p>Design of vehicular accesses (Cl.E6.7.2)</p> <ul style="list-style-type: none"> A1 – Design of vehicle access points complies 	A1 – Complies
<p>Vehicular passing areas along an access (Cl.E6.7.3)</p> <ul style="list-style-type: none"> A1 – Vehicular passing areas comply 	A1 – Complies - 2 way driveway.
<p>On-site turning (Cl.E6.7.4)</p> <ul style="list-style-type: none"> A1 – on-site turning provides for vehicles to exit property in forward direction 	A1 – Complies
<p>Layout of parking areas (Cl.E6.7.5)</p> <ul style="list-style-type: none"> A1 – Layout and compliance with Australian Standard 	A1 – Complies
<p>Surface treatment of parking areas (Cl.E6.7.6)</p> <ul style="list-style-type: none"> A1 – Parking spaces and vehicular circulation surfaces provided 	A1 – Complies
<p>Lighting of parking areas (Cl.E6.7.7)</p> <ul style="list-style-type: none"> A1 – Parking and vehicle circulation roadways are provided with lighting 	A1 – Complies
<p>Landscaping of parking areas (Cl.E6.7.8)</p> <ul style="list-style-type: none"> A1 - Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required. 	A1 – Complies.
<p>Facilities for Commercial Vehicles (Cl.6.7.13)</p> <p>A1 - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS</p>	<p>A1 – Complies –</p> <p>The development includes provision for single unit waste vehicle to service the site. The service vehicle has a dedicated turning bay to turn</p>

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2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	on site. The permit includes conditions for the applicant to provide for a private waste service.
Access to a road (Cl.6.7.14) • A1 – Access to road complies with road authority requirements	A1 – Complies
E7.0 Stormwater Management Code	
Stormwater drainage and disposal (Cl.E7.7.1) • A1 – Disposal of stormwater to public infrastructure • A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles • A3 – Design of minor stormwater drainage system • A4 – Design of major stormwater drainage system	A1 – Complies - Disposal of stormwater to public infrastructure The development includes the upgrade of an existing stormwater outlet on State Growth land. This drains to Browns River. This development connects to the upgraded outlet. A2 – Complies - A3 – Complies A4 – NA
E10.0 Biodiversity Code While the proposed development is within a Biodiversity Protection Area, no native vegetation subject to the Code will be impacted by the building and works, therefore Code E10.0 is not applicable.	
E11.0 Waterway and Coastal Protection Code	
Buildings and works (Cl.E11.7.1) • A1 - Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme. • A2 – Coastal refugia area • A3 – Potable water supply area • A4 – Development does not involve new stormwater point discharge into watercourse, wetland or lake	A1 – Not Complying While the units are located outside the Waterway and Coastal Protection Area (WCPA), privacy fencing is located within the WCPA. Works associated with the fencing are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1. Additionally, while the stormwater system is located outside the WCPA buffer zone, it is likely that works associated with its installation will potentially encroach into the WCPA, and therefore must be assessed

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	against the performance criteria A2 – NA A3 – NA A4 – Complies - The proposed stormwater outlet is a diffuse discharge and not a point discharge and the proposal will replace an existing stormwater system, therefore A4 is not applicable.
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Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

Public Copy



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2021-354	Council notice date	06/07/2021
TasWater details			
TasWater Reference No.	TWDA 2021/01130-KIN	Date of response	27/07/2022
TasWater Contact	Jake Walley	Phone No.	0467 625 805
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	16 GRONINGEN ROAD, KINGSTON	Property ID (PID)	2107872
Description of development	Multiple Dwellings x 9 (1 existing, 2 previously approved under DA-2020-61)		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
AD Design + Consulting	21033 Sheet D-1-02-01	A	29/10/2021
AD Design + Consulting	21033 Sheet D-1-10-01	A	29/10/2021
AD Design + Consulting	21033 Sheet D-1-02-02	A	29/10/2021
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. The plans submitted with the application for a Certificate for Certifiable Work (Building and/or Plumbing) must show the water connection to be high hazard, due to the use of a private sewer pump. 3. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 4. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 5. The applicant or landowner as the case may be, must pay a development assessment fee of \$376.68 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			



Advice

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.

General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.
Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies
- (c) TasWater will locate residential water stop taps free of charge
- (d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

OPEN SESSION RESUMES

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

17 OFFICERS REPORTS TO COUNCIL

17.1 KINGBOROUGH COMMUNITY AWARDS - 2023 SELECTION COMMITTEE

File Number: 12.88

Author: Clare Scallon, Community Development Officer

Authoriser: Heather Salisbury, Acting Director Environment, Development & Community Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.
Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 Nominations are being sought from Councillors to form a selection committee to choose successful Kingborough Community Awards recipients for 2023.

2. BACKGROUND

- 2.1 Council's Policy for the Kingborough Community Awards states:

"Nominations for the public awards are to be considered by a Selection Committee comprising the Deputy Mayor and three nominated Councillors. The Committee shall make a recommendation to Council for resolution."

3. STATUTORY REQUIREMENTS

- 3.1 Council has no statutory obligations in relation to the establishment of this selection committee.

4. DISCUSSION

- 4.1 Nominations are sought for three Councillors to participate in the Kingborough Community Awards Selection Committee.

4.2 The Committee will be required to meet in early October to allow for timely reporting to Council.

4.3 Recommendations for Award recipients will then be presented in a report to Council in late October or early November.

5. FINANCE

5.1 There are no financial implications associated with this report.

6. ENVIRONMENT

6.1 There are no environmental considerations associated with this report.

7. COMMUNICATION AND CONSULTATION

7.1 The Kingborough Community Awards are being promoted from August through until October. Members of the community are invited to nominate candidates for recognition of their contribution to the civic and/or community life of Kingborough. The closing date for nomination is Monday 3 October.

8. RISK

8.1 There are no identified risks with this report.

9. CONCLUSION

9.1 Nominations are sought for three Councillors to participate, in conjunction with the Deputy Mayor, on the Kingborough Community Awards Selection Committee.

10. RECOMMENDATION

That Council appoint three Councillors to assist the Deputy Mayor in the assessment of candidates for the 2023 Kingborough Community Awards, with the selection to occur in October.

ATTACHMENTS

Nil

17.2 SMOKE-FREE AREA DECLARATION - KINGSTON PARK (PUBLIC OPEN SPACE STAGE 1 & 2)

File Number: 8.88, 8.121, 41.7, 41.16

Author: Michael Steele, Environmental Health Officer

Authoriser: Jon Doole, Manager Environmental Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

1. PURPOSE

- 1.1 The purpose of this report is to seek Council approval to declare Stage 1 and 2 of the Kingston Park public open space a smoke-free area in accordance with the *Public Health Act 1997* (the Act).

2. BACKGROUND

- 2.1 A motion was carried at the 13 November 2017 Council meeting (refer C603/24-17) that Council 'in principle' endorse Council-owned land within Kingston Park as smoke-free.
- 2.2 The motion noted that subsequent reports are to be provided for formal approval of the declaration(s) at the relevant stages of construction.
- 2.3 The Kingborough Community Hub and the Kingston Park playground (Stage 1 of public open space) have already been declared as smoke-free areas in accordance with the Act.
- 2.4 Construction of Stage 2 of the Kingston Park public open space (POS) is due for completion and public access in October 2022.
- 2.5 This enables Stage 1 and 2 of the Kingston Park POS to be declared smoke-free. However, the declaration process must be first approved by Council and notification provided to the Director of Public Health.

3. STATUTORY REQUIREMENTS

- 3.1 The *Public Health Act 1997* (Part 4, Division 1A) regulates smoke-free areas in Tasmania. Section 67B (c) of the Act provides for an occupier of land to designate any area, including but not limited to, a public street that is not within private premises, as a smoke-free area. This provides Council with the head of power for land under its ownership in Kingston Park.
- 3.2 A number of other public places including outdoor dining areas, enclosed public places, bus and pedestrian malls, children's playgrounds and sporting venues have already been declared smoke-free under section 67B of the Act.
- 3.3 Section 67B also outlines what else is deemed to be a smoke-free area and sets out legal distances from entries/exits, air intakes and playgrounds.

- 3.4 Section 67E requires signage, wording or images in smoke-free areas that have been approved by the Director of Public Health.

4. DISCUSSION

Declaration process

- 4.1 Council can choose to declare any land in its ownership as smoke-free. The declaration itself does not require approval for the Department of Health (DoH) however it is recommended that both Council and DoH work cooperatively during this process. Council has informally liaised with the Tobacco Control Unit at DoH in relation to this proposal.
- 4.2 The declaration identifies the public areas which are to be smoke-free. The declaration can be undertaken at any time with an 'effective from' date, once approved by Council.
- 4.3 The declaration needs to be publicly advertised. There is no a set process for this and it is Council's decision on how it is made public. It is proposed to advertise in the same way as for the previous declarations at Kingston Park; public notice in the Mercury newspaper, local media and on Council's website and social media.

Proposed declaration

- 4.4 The area proposed to be declared as smoke-free is Stage 1 and 2 of the Kingston Park POS. The map below (Figure 1) shows the extent of the smoke-free area.



Figure 1: Kingston Park (Stage 1 and 2 of public open space)

- 4.5 In accordance with the Act, a smoke-free area is anywhere within 10 metres of any play equipment erected at a children's playground in a public place. Whilst areas within this Stage could be considered to relate to an already identified smoke-free area in the Act (i.e. – it contains some equipment which could be considered play equipment), this public open space will not be entirely fenced, will contain multiple entry points and will have other areas for more general public open space use. This declaration will clarify the boundary of the smoke-free area.

- 4.6 A copy of the proposed declaration, to be signed by the General Manager, is included as Attachment A.
- 4.7 Once the declaration is approved by Council, it will be signed by the General Manager and notification provided to the Director of Public Health.

Signage

- 4.8 Signage (or wording or images) must be installed in the smoke-free areas. This must be approved by the Director of Public Health prior to installation.
- 4.9 The signage will be the same as for the playground and Stage 1 public open space.
- 4.10 The design consultant is incorporating the same regulatory icons into the relevant entry and play space/directional signage located throughout the area.
- 4.11 The signage will be forwarded to DoH for final approval.

Enforcement

- 4.12 Council is in a unique position as Kingston Park is essentially a blank canvas. In looking to declare smoke-free areas at the site, there are not the challenges of changing historic or existing behaviours in an already utilised space. Council can therefore seek to use more proactive enforcement measures by way of promotion, signage or community enforcement strategies.
- 4.13 It is proposed to largely utilise a 'soft' model of enforcement i.e. – self-enforcing compliance. A strong focus can be placed on community awareness and consultation.
- 4.14 It would be appropriate to provide some form of reactive response, pursuant to Council's Enforcement Policy, to complaints about smoking in declared smoke-free areas. It is envisaged that this declaration would have minimal impact on current Council compliance operations, but resourcing would be assessed as appropriate.
- 4.15 Council officers undertaking any enforcement will need to be appointed as nominated officers under the Act. This is an appointment approved by the Director of Public Health. Environmental Health Officers are already appointed under the Act; this applies to other Council officers who may be involved in enforcement i.e. – Compliance Officers.
- 4.16 Enforcement of the smoke-free area will commence from the effective date of the declaration.

5. FINANCE

- 5.1 Estimate of costs:

<i>Declaration process</i>	Public advertisements	\$2,000
<i>Signage</i>	Component of overall Kingston Park signage	\$500
<i>Enforcement</i>	The cost of the proposed enforcement approach will be absorbed within existing resources	\$0
<i>Communication and consultation</i>	Variety of tools available	\$1,500
	TOTAL	\$4,000

- 5.2 The above estimated costs can be met through the Kingston Park budget.

6. ENVIRONMENT

- 6.1 The creation of a smoke-free environment reduces potential involuntary exposure to environmental tobacco smoke. The Department of Health's *Designating Smoke-free Areas – A Guide for Occupiers*, advises that by declaring additional areas smoke-free, occupiers such as local Councils are contributing to the health and wellbeing of their community and the promotion of this very important public health initiative.
- 6.2 The Kingston Community Hub and the Kingston Park playground (Stage 1 of public open space) have already been declared as smoke-free areas in accordance with the Act. With the inclusion of this proposal for Stage 2 of the POS, the smoke-free areas covered by the three declarations are shown below in Figure 2 and bounded by a red line.



Figure 2: Kingston Park – declared smoke-free areas

7. COMMUNICATION AND CONSULTATION

- 7.1 Council has informally liaised with the DoH Tobacco Control Unit about this proposal and signage requirements.
- 7.2 Once approved by Council, the declaration will be publicly advertised. It is proposed to advertise the declaration by public notice in the Mercury newspaper, local media and on Council's website and social media.
- 7.3 A Communications Plan will be developed with Council's Media and Communications Advisor and the Kingston Park Project Team.

8. RISK

- 8.1 The head of power for declaration is contained within the Act. This is the third declaration for this site, which will encompass the previously declared area of Stage 1 as well as the new Stage 2 and there is confidence that the process has been undertaken correctly and in accordance with all requirements.
- 8.2 No apparent risk has been identified.

9. CONCLUSION

- 9.1 Council has a head of power under the *Public Health Act 1997* to declare land under its ownership in Kingston Park as smoke-free.
- 9.2 Council has previously agreed to declare Council-owned areas within Kingston Park as smoke-free.
- 9.3 Stage 2 of the Kingston Park POS is the third Council-owned area within Kingston Park to be open to the public and is scheduled for completion in June 2022.
- 9.4 This report seeks endorsement of a smoke-free declaration for Stage 2 of the POS.
- 9.5 The declaration is proposed to be advertised via public notice in the Mercury newspaper, local media and on Council's website and social media.
- 9.6 Signage, approved by the Director of Public Health, will be installed at the site.
- 9.7 A self-enforcement approach is proposed with a strong and proactive focus on community awareness and consultation.

10. RECOMMENDATION

That Council approve the smoke-free area declaration for Stage 1 and 2 of the Kingston Park public open space in accordance with Attachment A and the process outlined in this report.

ATTACHMENTS

- 1. Declaration for Smoke-free Area - (Stage 1 and 2 of Kingston Park POS)

XX September 2022

Our Ref: 8.88,8.12, 41.7,41.16

Dr Mark Veitch
Director of Public Health
Department of Health
GPO Box 125
HOBART TAS 7001
via email: tobacco.control@health.tas.gov.au

Dear Dr Veitch

**SMOKE-FREE AREA DECLARATION
KINGSTON PARK PLAYGROUND – 7 GOSHAWK WAY, KINGSTON**

I enclose the declaration and marked map of Kingston Park playground (Stage 1 and 2 of public open space) within Kingborough that has been declared smoke-free. This declaration was approved at the Council meeting on X XXXXXX 2022

Council undertakes to provide signage and promote public awareness of this area as below:

- Signage approval was received from the Department of Health on 25 May 2022.
- Advertising of the declaration will be undertaken in:
 - The Mercury newspaper (Saturday 17 September 2022).
 - Kingborough Chronicle (Tuesday 13 September 2022).
 - Kingston Classifieds (Thursday 15 September 2022).
 - Social media in the lead-up to the opening and ongoing as needed.

- The promotion of the opening of the area and any associated events will include information that the area has been declared smoke-free.

It is expected that the smoke-free area will be primarily 'self-enforced' with a strong focus on community awareness and consultation. However Council Officers will also provide 'reactive' enforcement in accordance with Council's Enforcement Policy in response to complaints about smoking in the declared smoke-free area.

Yours sincerely

GARY ARNOLD
GENERAL MANAGER

Encl: Declaration of smoke-free area and map – Kingston Park playground (Stage 1 and 2 of public open space)



Declaration of Smoke-free Area

I, Gary Arnold, General Manager of Kingborough Council declare the following public area to be smoke-free in accordance with Section 67B of the *Public Health Act 1997*.

This declaration takes effect from XX October 2022

- a) **Kingston Park playground (Stage 1 and 2 of public open space) – 7 Goshawk Way, Kingston** comprising all areas of land of about 39000 square metres shown on the attached map bounded by a heavy red line

It is an offence under Section 67C of the *Public Health Act 1997* to smoke within the perimeter of the smoke-free area listed above. The maximum penalty is 20 penalty units.

SIGNED

XX September 2022
DATE

Map of Smoke-free Area

Kingston Park playground (Stage 1 and 2 of public open space) – 7 Goshawk Way, Kingston



17.3 TRANSFER OF FREEHOLD TITLE FROM CROWN TO COUNCIL FOR SNUG OVAL AND MEMORIAL HALL AND ACQUISITION OF A FORESHORE LEASE OR LICENCE

File Number: PID 2927766 & 2927774

Author: Mark Ballard, Property & Procurement Coordinator

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.1 Service provision meets the current and future requirements of residents and visitors.

1. PURPOSE

- 1.1 The purpose of this report is to seek Council approval to acquire the freehold title of the Snug Oval and adjoining Memorial Hall from the Crown under Sect. 12 of the *Crown Lands Act 1976*.
- 1.2 In addition, Kingborough Council has a number of assets and improvements that are located on the Crown foreshore reserve and it is proposed to seek a lease or licence of this area under Sect.29 of the *Crown Lands Act 1976*.

2. BACKGROUND

- 2.1 The lands that contain the Snug Oval and adjoining Memorial Hall are Crown owned properties that have been leased to Kingborough Council for many years and Council uses the land and the improvements thereon for the benefit of the Kingborough Municipality.
- 2.2 The Oval precinct (PID 2927766) is subject to a ten-year Crown lease dated 18 August 2021 that expires 31 July 2031. The Memorial Hall land (PID 2927774) is subject to a 99-year Crown lease dated 27 November 1950 that expires in 2049. Both leases are based on “peppercorn” rentals.
- 2.3 The Oval precinct is zoned as “Recreation” and the Memorial Hall land is zoned as “Community Purpose” under the Kingborough Interim Planning Scheme 2015.
- 2.4 Besides the Oval and Memorial Hall, there is also a Scouts Hall located at the site and various buildings such as sporting club change rooms, and the Ashton Denehey Park and Playgrounds. Council is currently discussing two new subleases with the Property Services staff at the Department of Natural Resources and Environment Tasmania for the two sports clubs that use the oval and associated club and change rooms.
- 2.5 Kingborough Council has undertaken a number of improvements at the site including expansion of the sports club rooms, provision of oval lighting, playground equipment and regular grounds maintenance. Council does not have any commercial tenants, but does seek user fees to offset the costs of maintaining the site and associated grounds.
- 2.6 In addition to land containing the Oval and Hall, the site is partially surrounded by a Crown foreshore reserve. Part of this area was originally leased to Council, but the lease expired in 1984 and was not renewed.

- 2.7 It is proposed to renew this lease arrangement and extend it to cover additional Council assets.
- 2.8 The foreshore reserve areas are classed as “Open Space” under the Kingborough Interim Planning Scheme 2015, with a small section classed as “Environmental Management”.
- 2.9 The location of the lands are shown on the attached plans.

3. STATUTORY REQUIREMENTS

- 3.1 Transfer of the freehold ownership to Council can be made under Sect 12 of the *Crown Lands Act 1976*. Usually in such situations there is a nominal consideration for the land with Council meeting all registration and survey costs.
- 3.2 Such transfers would require the lands to be classed as “public lands” under Sect 177A(1) of the *Local Government Act 1993* which governs Council ownership of land set aside for public purposes.
- 3.3 In transferring the lands, the Crown would normally seek a reversionary condition on the titles requiring ownership of the lands to be returned to the Crown in the event that they were no longer required by Council.
- 3.4 Council is empowered to lease public lands for not more than five (5) years under Sect 179 of the *Local Government Act 1993*, which would allow Council greater flexibility to lease facilities with community not-for-profit groups, such as sporting clubs and scouts.
- 3.5 The Crown may also grant leases and licences under Sect.29 of the *Crown Lands Act 1976* for the foreshore reserve areas. Council in turn has the power to acquire leasehold interests under Sect. 175 of the *Local Government Act 1993*, and may subsequently sub-lease parts of those areas to other users with the consent of the Crown.

4. DISCUSSION

- 4.1 Bringing freehold ownership of the oval and hall lands into full Council control is consistent with Council's ownership of other sporting and meeting facilities, and would simplify the management of the site, as separate Crown consent would no longer be required for development or leasing activity.
- 4.2 Council has had a long association with both the properties and has made significant investment in the improvements.
- 4.3 Similarly, Council should have some level of tenure on the foreshore lands to manage the infrastructure that has been constructed in the foreshore reserve areas. Council assets within the foreshore reserve include:-
 - The newly constructed Snug Bridge;
 - A boat ramp;
 - The Snug River Track;
 - Toilets;
 - Tennis Court
 - Various pathways, roads, stormwater infrastructure and park/open space improvements; and
 - Part of the Sea Scouts Hall.

5. FINANCE

- 5.1 There would be no significant costs associated with the proposal other than title and registration costs at the Lands Title Office.
- 5.2 Upon transfer of the freeholds there would be the need to recognise the land assets as part of Council's overall property ownership. Council would already be depreciating the buildings and improvements on the lands as well as insuring the built structures.
- 5.3 A lease or licence of the foreshore area would normally be for a peppercorn rental.

6. ENVIRONMENT

- 6.1 There are no environmental impacts associated with the proposal to acquire the fee simple ownership of the lands, nor the leasehold interest of the foreshore.
- 6.2 Part of the foreshore land is zoned as "Environmental Management" and Council already manages the adjoining Council owned parcels that form part of the Snug River Track that have this zoning.

7. COMMUNICATION AND CONSULTATION

- 7.1 The proposed transfer of ownership and a new lease or licence would have no practical impact for members of the public in their day-to-day use of the facilities on the land.
- 7.2 On completion of the land transfer and new lease or licence, it could well prove to be a "good news" story for both Council and the State Government.

8. RISK

- 8.1 There are no significant risks associated with this proposal.

9. CONCLUSION

- 9.1 Transfer of the freehold ownership of parcels of land to Kingborough Council is consistent with Council's approach with all other sporting and hall facilities. It will provide more certainty in Council's dealings with site users and will be at a minimal cost to Council.
- 9.2 Leasing or licencing of the foreshore areas is also consistent with Council's generally accepted approach as it allows for close interaction between the two levels of government where parcels of land have special values.

10. RECOMMENDATION

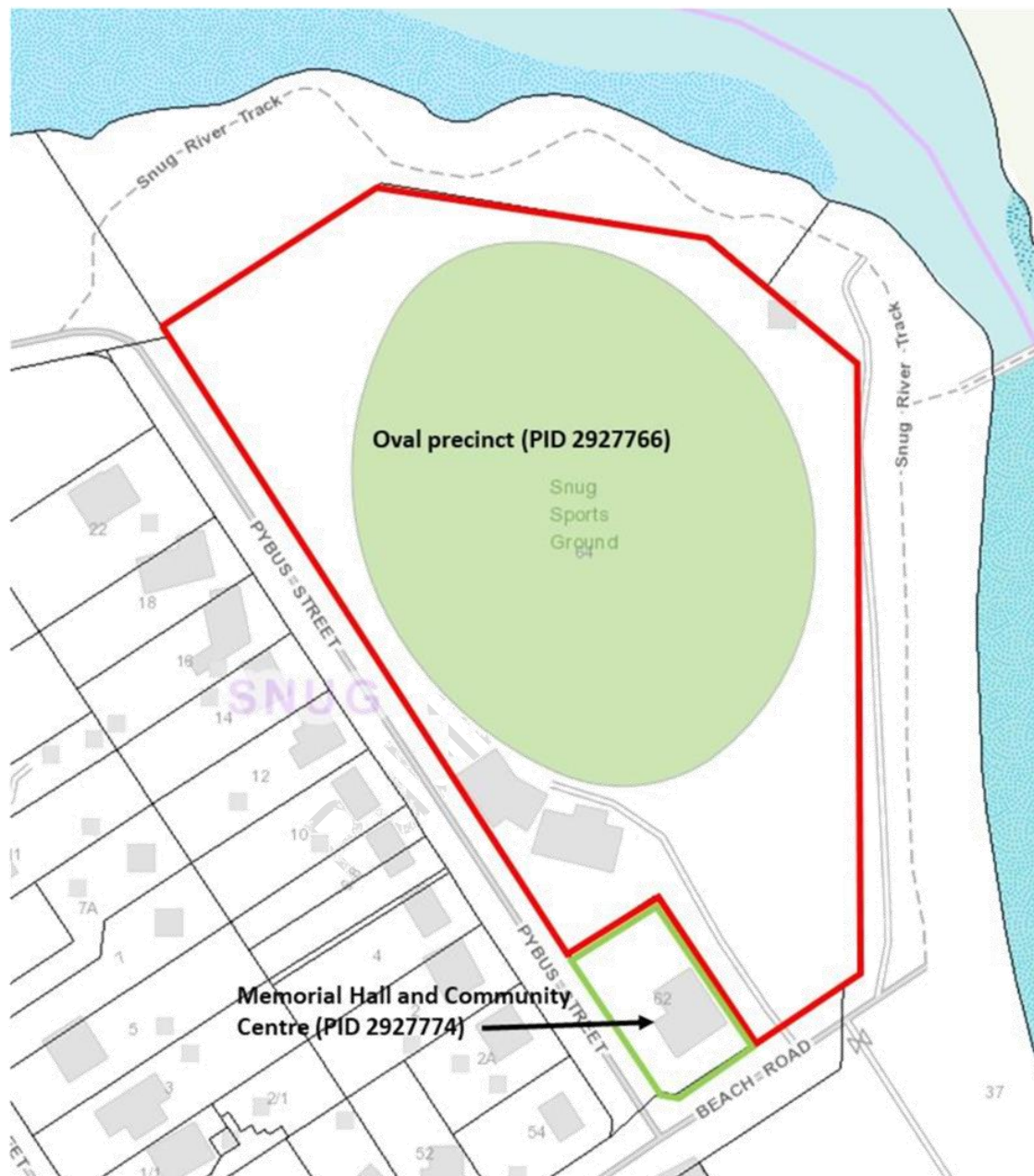
It is recommended that Council approve:-

- 1. The acquisition from the Crown of the fee simple of the properties known as 64 Beach Road Snug (PID 2927766) and 64 Beach Road Snug (PID 2927774) that encompass the Snug Oval and Memorial Hall for a nominal consideration.
- 2. Council entering into a lease or licence for the foreshore lands under the standard terms offered by the Crown for a peppercorn rental.

ATTACHMENTS

- 1. **Location Plan - Snug Oval and Memorial Hall**
- 2. **Location Plan – Crown Foreshore Reserve**

Location Plan – Snug Oval and Memorial Hall



17.4 COPPING REFUSE SITE JOINT DISPOSAL AUTHORITY - PROPOSED RULE CHANGES

File Number: 24.128

Author: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.1 Service provision meets the current and future requirements of residents and visitors.

1. PURPOSE

- 1.1 The purpose of this report is to seek the endorsement of Council to advertise proposed amendments to the Copping Refuse Site Joint Disposal Authority (Authority) rules.

2. BACKGROUND

- 2.1 Under sub-Rule 232, the Authority is required to review its Rules at least every five years. The last review of this nature was finalised in December 2017, although a minor Rule change in relation to dividends was finalised in September 2021.
- 2.2 At its meeting on 11 August 2022, the Authority approved, by special resolution, its intention to amend the Rules.
- 2.3 The proposed amendments to the Rules cover a range of governance and administrative processes that aim to modernise the Authority's framework of corporate governance and oversight and reflect the enhanced business practices that have evolved over time.

3. STATUTORY REQUIREMENTS

- 3.1 The Authority is required to follow the process prescribed under Sections 31 and 32 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 Under sub-Rule 232, the Authority is required to review its Rules at least every five years. The last review of this nature was finalised in December 2017, although a minor Rule change in relation to dividends was finalised in September 2021.
- 4.2 The proposed amendments to the Rules cover a range of governance and administrative processes that aim to modernise the Authority's framework of corporate governance and oversight and reflect the enhanced business practices that have evolved over time.
- 4.3 Attachment 1 (Table 1) summarises the amendments and explains the reasons for them. Consultation to date on these amendments has included the General Managers of Participating Councils, and the Board and immediate past-CEO of Southern Waste Solutions.
- 4.4 The collective scale of the amendments is considered material and so requires the full process prescribed under sections 31 and 32 of the *Local Government Act 1993* (Tas) (the Act). A summary of the process is provided below.

Step 1	<ul style="list-style-type: none"> A <u>special resolution</u> of the Authority's Participating Councils is required to approve advertising the proposed Rule change 	The purpose of this paper
	<ul style="list-style-type: none"> One participating council is to act as the 'Nominated Council' to perform the roles required under the Act to change the Rules 	Clarence City Council has agreed to be the Nominated Council
Step 2	<p>If the special resolution to advertise is approved, the Nominating Council is to:</p> <ul style="list-style-type: none"> publish the complying notice in a local daily newspaper, display the complying notice at its premises for at least 21 days, provide a copy of the proposed amendments to the Director of Local Government, make the proposed amendments available for inspection or purchase at its public office. 	
Step 3	<ul style="list-style-type: none"> After publication and any submissions are received, a general meeting of the Authority is convened to consider, and deal with, any submissions 	
	<ul style="list-style-type: none"> Subject to any changes to the proposed amendments, Participating Councils approve the proposed amendments to the Rules by special resolution 	
Step 4	The proposed amended Rules are to be certified by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act	
Step 5	The certified, proposed Rules are provided to Participating Councils for formal adoption	
Step 6	Once approved, the amended Rules are to be certified (again) by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act	
Step 7	<ul style="list-style-type: none"> A copy of the new Rules is provided to the Director, Local Government The final decision is to be advised to anyone who provided a submission on the proposed amendment 	
Step 8	The amendment comes into effect.	

5. FINANCE

5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

6.1 There are no environmental implications associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 The decision of the four participating councils will be publicly advertised in accordance with the legislative requirements outlined in this report.

8. RISK

8.1 There are no apparent risks to Council in endorsing the proposed Rule changes to enable public advertising.

9. CONCLUSION

9.1 In order to progress the process of the proposed Rule changes, the endorsement of the four owner councils is required to proceed to advertising.

9.2 It is recommended that Council endorse the proposed Rule change.

10. RECOMMENDATION

That Council

- (a) Endorses the proposed amendment to the rules of Copping Refuse Disposal Site Joint Authority as agreed by the Authority at its meeting on 11 August 2022, and
- (b) Approves advertising the proposed amendment to the rules in accordance with the requirements of the *Local Government Act 1993 (Tas)*.

ATTACHMENTS

1. Summary of Amendments

Table 1: Proposed amendments

Rule #	Proposed amendments	Reason/Notes/Comments
	Powers of Board	
13 Amend	<p>(a) The Board may exercise all powers and functions delegated to it by the Authority in writing.</p> <p>(b) The Board may access independent, expert advice, at the Authority's expense, as it determines necessary to exercise its powers and functions and satisfy the duties of directors.</p>	<p>(c) New sub-Rule suggested: This is a standard clause and a right of directors under many relevant Acts, eg Corps Act 2001, Tas GBE/SOC Acts etc. It should be clear in our Rules as well.</p>
	Delegations	
14 Amend	<p>Except for the power under Rule 12(a) and as provided in Rule 213(b), the Authority may delegate to the Authority Chair, Board or Secretary, with or without conditions, any of the functions and powers that are within the power of the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.</p>	<p>At present, the Authority cannot delegate to anyone except the Board. From time to time this has been necessary for administrative or time convenience (eg, "Chair to negotiate with new directors within agreed boundaries..."). Capacity to do this should be properly formalised.</p> <p>From time to time, some delegation to Secretary for administrative tasks would be useful, eg approval of directors' expenses.</p> <p>NOTE: JA has approved a Delegations Policy which controls how delegations are to be exercised, reported etc. Applies to the Authority, Board, CEO, others....</p>

15 Amend	<p>The Board may delegate to the Chief Executive Officer, an individual director, a committee of the Board or the Board Secretary, with or without conditions:</p> <p>(a) any of the functions and powers delegated to it by the Authority in writing (including any specified power of on-delegation of those functions and powers); and</p> <p>(b) any of the functions and powers conferred upon it under these Rules.</p>	<ul style="list-style-type: none"> It is quite common in most Constitutions (or equivalent) for the Board to be able to delegate to a range of recognised positions. This doesn't mean they have to – simply that they can. Many Constitutions (and under Corps Act 2001) allow delegation to “any other person” as well, but that was considered unnecessary for the Authority. <p>Note: delegation to Board Secretary is <i>in that role</i>, rather than the Authority Secretary in that role. It could raise serious conflict if the Board had the capacity to delegate to the Authority Secretary in that capacity.</p>
Amend Rule 69	<p>Membership of Authority - Representatives</p> <p>Current Rule 69: Representatives and Proxies are not entitled to any remuneration from the Authority.</p> <p>AMENDMENT: 69(a) Notwithstanding Rule 65, Representatives, on the advice of the Secretary, may approve the payment of remuneration for the role of Authority Chair.</p> <p>69(b) If Representatives approve any payment under Rule 69(a), the decision will be recorded in the minutes of the general meeting at which it was approved and the Secretary will advise Participating Councils in the Quarterly Report to Participating Councils.</p> <p>69(c) Any payments approved under Rule 69(a) will not be paid to any Council employee appointed or acting temporarily as the Authority Chair.</p> <p>----- REFERENCE: Current Rule 65</p>	<p>AIM: Allow payment of allowances or fees. Reason for amendment: the often considerable extra effort required by Chair compared to other Reps/Proxies. This was originally raised in late 2020 by a PC Representative (now former Representative)</p> <p>Remuneration could be an allowance, sitting fee or similar.</p> <p>There has been assumption that LGA doesn't allow payment to Councillors/Alderman as Representatives, however CCC's appointed director to C Cell Pty Ltd is paid a director's fee. Initially this fee was paid to CCC, but CCC subsequently approved this to be paid to the director personally.</p>

	<i>No Representative or Proxy may be a Director or hold any remunerated position with the Authority.</i>	
	Membership of the Board	
R73 Amend	<p>The Authority shall, in the appointment of the Board Chair and other Directors, take into account the powers, functions and responsibilities of the Board and shall appoint persons who collectively have the skills and expertise to carry out those powers, functions and responsibilities, drawn from persons with expertise and/or experience in one or more of the following relevant fields:</p> <ul style="list-style-type: none"> (a) financial management, business management and administration; (b) civil or mechanical engineering, project management or related disciplines; (c) waste management; (d) transport; and/or (e) environmental management; (f) any other fields relevant to the business, strategy or Principal Objectives and Goals of the Authority 	<p>AIM: keep pace with the future needs of the Authority, especially if it considered appointing a permanent fifth director</p>
	Annual General Meeting of the Authority	
R98(e) Amend	<p>The AGM is to:</p> <p>.....</p> <p>(e) receive the Strategic and Business Plans.</p>	<p>Purpose and value of the original Rule has been unclear: by the time of the AGM, the Authority has already the Strategic Plan and Business Plan in June AND issued to PCs and the plans have been in action for almost 5 months....</p>
	Meetings of the Board	
R103 Amend	<p>The Board shall meet at such times and places,...,as often as is necessary to properly discharge its responsibilities under these Rules, and shall meet at least quarterly in each year. ten times in each year.</p>	<p>AIM: to allow the Board and business to determine processes to operate as efficiently and effectively as possible – which may be done better without min 10 times. Responsible Boards under a responsible Chair in a mature business meet as often as needed. The Rules already specify certain activities and reporting that require Board approval or direct oversight.</p>

		Specifying ten times p.a. reduces the incentive to be efficient and diverts operational time of CEO and staff to preparing board papers and attending meetings – that may be more productive elsewhere.
	Attendance	
R121 Amend	<p>CURRENT:</p> <p>(a) The Board Chair shall attend meetings of the Authority and shall provide information as required.</p> <p>(b) The auditor and the Comptroller are entitled to attend General Meetings of the Authority and be heard on any part of the business of the meeting which relates to their responsibilities.</p> <p>ADD:</p> <p>(c) The Authority may request the CEO attend any meeting, or any part of a meeting, of the Authority, and provide information as requested. The request may be a standing invitation.</p>	<p>If the CEO is not <i>obliged</i> to attend, it is reasonable they could be <i>entitled</i> to attend, similar to auditor and Comptroller.</p> <p>The majority of the technical and operational expertise lay with the CEO so attendance is usually of interest to the Authority, even if not essential. Also supports the Board remaining at the strategic level rather than being required to explain the full range of operational activity.</p>
	Resolution in Writing or by Electronic Means	
R151 Amend	<p>AMEND: A resolution of the type referred to in Rule 150 may consist of several documents in the same form, each signed by one or more Representatives or Directors provided the resolution is identically worded.</p>	<p>Good practice to ensure there is no confusion or doubt about what was approved/rejected.</p>
	Part 6 – CEO and Other Employees General Powers and Responsibilities of CEO	
R172 Amend	<p>The Chief Executive Officer is responsible to the Board Chair for the general administration and management of the Authority's business activities and, in particular, for the determination of the number and types of employees and the terms and conditions of employment, consistent with the approved budget. On behalf of the Board, the Board Chair is the primary contact with the Chief Executive Officer.</p>	<p>Typically, the Board collectively is responsible for the CEO's performance, not the Chair individually. To support good HR practice, the Chair is nominated as the main conduit for discussions, communications from Board to CEO etc, but is not intended to be singly responsible for the entire employment relationship or related decision making.</p> <p>As a protection for it and the Chair, the Board should have the option to appoint another director to support the Chair in</p>

		interviews/discussions with CEO when appropriate or when an independent witness might be useful.
R174 Amend	The Chief Executive Officer is to exercise, subject to any conditions imposed , all powers and functions delegated by the Board in writing to be performed by the Chief Executive Officer.	While conditions may be in writing, it should be clear that these are constitutionally required and compliance is obligatory.
R175 Amend	The Chief Executive Officer may delegate any of his or her functions and powers as authorised by the Board, together with any relevant conditions imposed by the Board , to any person that has been appointed to assist the Board in performing and exercising its functions and powers.	CEO should be obliged to pass on any conditions imposed (if applicable) to sub-delegates.
	Particular Responsibilities [of CEO]	
R180 Amend	The CEO shall undertake the following particular responsibilities to the satisfaction of the Board: (a) – (f) ... (g) subject to any relevant policies approved by the Authority or Board , provide public or media statements on matters relating to the organisation; (h) – (m) (n) adhere to all policies and procedures including those in relation to environment, Work Health and Safety and administration; (o) – (p) ... (q) in conjunction with the Secretary , provide induction training for newly appointed Representatives, Proxies and Directors; (r) report to the Board on operations and performance against the Business Plan and Strategic Plan in general terms and on specific current initiatives; and (s) ...	(g) aims to provide scope for the Authority Chair to speak on agreed matters (eg political or membership matters) and the Board Chair to speak in the absence of CEO or on agreed matters. Policy for this is on the Board's agenda... (n) should be required to adhere to ALL applicable policies...full stop., Separating out administration policies is unnecessary. P.S. When used in full, WHS does not need to be capitalised. (q) typically this would be part of Secretary's role but shared arrangement is most practical to separate out Authority/governance/ membership matters from strategic, operational and other matters. (r) peculiar that reporting against Strategic Plan is not listed, even though Business Plan is based on Strategic Plan....

	Strategic and Business Plans	
R185 Amend	If a current, enforceable waste services contract that includes the calculation of gate fees for the next financial year has not been agreed between the Authority and each Member, the Chief Executive Officer shall provide the draft budget to Members before 31 March in each year for information, comment and feedback prior to the preparation of the final Business Plan for submission to the Board.	<p>The current Rule pre-dates waste contracts with PCs. The original purpose was to provide PCs with information on their gate fees for the coming financial year and to allow them to budget accordingly. Now waste contracts – with gate fee calculations - exist, the need to provide draft Budget to PCs is redundant.</p> <p>Due to the February timing, this requirement provides PCs with information that the Board has not seen.</p> <p>In recent years, there has been no feedback from PC GMs, making the process a waste of everyone's time.</p> <p>The proposed amendment allows for contracts to take precedence over the need for a draft Budget, but provides a fallback position/safeguard for PCs if no waste agreement is in place.</p>
R186 Amend	If a draft budget is provided to Members under Rule 185 and comments are subsequently provided from Members, Following receipt of any comments from Members, the Chief Executive Officer shall, if necessary, revise the draft Business Plan and shall present the revised Business Plan to the Board for consideration.	Amendment required if Rule 185 is changed as above.
	Quarterly and Other Reports - Quarterly Report to Authority	
R193 Amend	The Chief Executive Officer is to provide the Board with a quarterly report which includes, in relation to the Authority: <ul style="list-style-type: none"> (a) A report on general performance; (b) A report on financial performance; (c) a statement on statutory, and environmental and contractual compliance; (d) a report on performance in meeting the Principal Objectives and Goals; (e) a report on performance under its Business Plan; and 	If Rules 198 and 200 are deleted, minor amendment to R193 would cover the gap.

	(f) a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.	
	Quarterly and Other Reports - Compliance with Statutory Requirements	
R198 Delete	The Chief Executive Officer, in April of each financial year, shall provide a report on compliance in the preceding financial year with statutory requirements, including performance in meeting stated functions and objectives. -----	<ul style="list-style-type: none"> • R193 (see below) specifies the content of the Quarterly Report that the CEO is to provide to the Board and the Board then provides to Authority. It includes a statement of statutory and environmental compliance. • This makes R198 redundant and duplicated effort for no benefit. • Once p.a. is not timely – so does not add any value • It is the role of the Board (common law and under SWS Board Charter) is to ensure statutory and other compliance and this is also an area of focus in the Audit & Risk Committee's charter. It is also a periodic area under the internal audit program.
	Quarterly and Other Report – Contractual Obligations	
R200 Delete	The Board, in April of each financial year, shall review the Authority's compliance with its contractual obligations, with a subsequent report by the Authority to Members on compliance.	<ul style="list-style-type: none"> • While contractual obligations are not referred to in the Quarterly Report, they could be added simply. • This area is also a fundamental part of the Board's role, with a focus of Audit & Risk Committee's scope. Also subject to internal audit from time to time. Also, covered in Risk Register as fundamental to the business. • Rule 199 – also in this section – relates to the CEO being obliged to adhere to the Authority's negotiating parameters. This should be retained

18 NOTICES OF MOTION

18.1 Reduction of Speed Limit on Redwood Road

The following Notice of Motion was submitted by **Cr Wriedt**:

RECOMMENDATION

That Council ask the Transport Commission to reduce the speed limit on Redwood Road, between the Channel Highway and the roundabout at the intersection of Village Drive and Maranoa Roads from 60km per hour to 50km per hour.

Background

The section of Redwood Road described above, is the only section of this road that has retained a speed limited of 60km per hour, instead of the now standard of 50km per hour for urban streets.

A request from Council in 2012 to review the speed limit was refused by the Transport Commission, on the grounds that it was a high-volume road. This was based on the logic that high volumes of traffic see it classified as a major road and in this case, they prioritise more efficient traffic flow through high-speed limits. Ten years later this is not regarded as contemporary road safety practice and therefore it would seem timely to revisit the decision.

Local residents in the area are concerned that this section of Redwood Road has a high volume of more vulnerable road users, both pedestrians, cyclists and motorists, given its proximity to an aged care facility, childcare centre, senior citizens centre and retirement community. The crash data for recent years has indicated several crashes on this section of road. This should demonstrate adequately to the Transport Commission that the anomaly in the speed limit should now be rectified to ensure consistency and increased safety for all road users.

Officer's Response

Council officers support a review of the speed limits in this area. If Council resolves in the affirmative this will require that a submission is provided to the Transport Commission that takes into account a number of considerations including traffic data, crash history and community support.

David Reeve, Director Engineering Services

18.2 Entire Home Short Stay Accommodation

The following Notice of Motion was submitted by **Cr Cordover**:

RECOMMENDATION

That a report will be prepared for the Council assessing the impact of whole-dwelling short-stay visitor accommodation in Kingborough and considering options for ameliorating the housing and rental affordability crisis in the municipality.

Background

There is an ongoing housing crisis in Tasmania and residents in Kingborough are being directly affected.

On 15 August, 2022, Kingborough Council voted against commissioning a report into prohibiting or banning short-stay visitor accommodation.

This updated motion seeks to deal with concerns raised in the previous debate by not presupposing any outcomes about what recommendations may be contained in a report about whole-dwelling short-stay visitor accommodation.

The report will inform the debate about possible interventions to help ease the housing and rental affordability crisis in the municipality.

The report will contain a specific focus on the impact of whole-dwelling short-stay visitor accommodation but may consider any other evidence-based interventions that may reasonably be considered to assist in bringing more homes back onto the long-term rental market, or easing pressures on rental affordability.

In June 2022, a report commissioned by Shelter Tas and produced by Emeritus Professor Peter Phibbs and Julia Ely was published regarding short-stay accommodation entitled, *Monitoring the Impact of Short-Term Rentals on Tasmanian Housing Markets*¹.

According to the Key Findings page of this report on the Shelter Tasmania website²:

- “Greater Hobart is overloaded with short-term rental properties, with 6.8 times more short-term rentals (as a proportion of its total private long-term rental market) than Sydney and 4.5 times more than Melbourne.
- In Hobart City, 47% of Airbnb short-term rental properties had a rental history from the long-term rental market. This data suggests that the growth of the short-term rental market has had a direct impact on the long-term rental market.
- In Greater Hobart, the withdrawal of 195 properties from the private rental market (or 0.2% of the total dwellings in Greater Hobart) can move the vacancy rate from 2% where rent rises will be manageable, to 1% where rent rises are likely to be over 10%.”

In Hobart City Council alone, 481 dwellings were given planning approval for a change of use to short-stay accommodation from 2014 to December 31, 2021³, despite the latest research showing that a withdrawal of just 195 properties in Greater Hobart can cause rent rises over 10%.

As of the beginning of August 2022, the website *Inside Airbnb* claims that Kingborough has 327 entire homes/apartments listed on AirBnB⁴.

Local Councils across Australia are grappling with the impact of whole-dwelling, entire home short-stay accommodation exacerbating the housing and rental affordability crisis.

As of 1 July 2022, Brisbane City Council introduced a new “transitory rating” category, with the effect that property owners leasing their properties on the short-term market will pay 50% higher rates than equivalent non-owner-occupied residential properties. The new rating applies where a property is offered, available or used by paying guests for more than 60 days a year, with each stay being less than 42 consecutive days⁵.

¹ Phibbs, P, Ely, J (2022), *Monitoring the Impact of Short-Term Rentals on Tasmanian Housing Markets*, Shelter Tasmania, https://sheltertas.org.au/wp-content/uploads/2022/06/EMBARGOED-STR-Baseline-Report-June-2022_FINAL-combined-files.pdf

² Chugg, P, (2022), *Impact of short-term rentals on Tasmanian housing markets evidenced in new report*, https://sheltertas.org.au/wp-content/uploads/2022/07/MEDIA-Impact-of-Short-Term-Rentals-New-Research_1July2022.pdf

³ Noye, N. *Hobart City Council public meeting 01 August 2022*, 1hr9m, <https://youtu.be/qpbk6tLGoJE?t=3600>

⁴ *Inside AirBnB*, (2022), <http://insideairbnb.com/tasmania/>, accessed 02 August 2022

⁵ Brisbane City Council (2022), *How Rates Are Calculated: Transitory Accommodation*, <https://www.brisbane.qld.gov.au/about-council/council-information-and-rates/rates-and-payments/how-rates-are-calculated#:~:text=Council%20calculates%20a%20rate%20charge,there%20are%2092%20rating%20categories.>

There are other jurisdictions in Australia that have introduced similar measures such as Noosa Council in Queensland⁶.

A report to Kingborough Council about considering options and potential wording of a motion with the objective of restricting, prohibiting or disincentivising the use of entire homes for short-stay accommodation in Kingborough, particularly in residential areas, might include information gleaned from recent investigations and measures undertaken by Hobart City Council.

For example, in August 2021, Hobart City Council's Planning Committee passed a resolution that the Hobart City Council:

1. Pursue the insertion of one or more specific area plans into the Hobart Local Provisions Schedule that prohibit entire home short stay accommodation use (excluding for 'secondary residences').
2. Advocate to the Minister for Planning to issue a planning directive that immediately prohibits new permits for entire home short stay accommodation within the Hobart Local Government Area.
3. Advocate for statewide regulations, similar to those in NSW, that enable councils to make decisions about properties within their local government area.
4. Advocate to the Tasmanian Government to form a 'Housing Supply Forecasting Council' in line with Recommendation 5 of the report *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*.

Then, in March 2022, Hobart City Council passed the first stage of a ban on new whole-home short-stay accommodation in the inner city⁷.

On 1 August 2022, Hobart City Council passed a motion for their Council to consider differential rating for properties used for short-stay visitor accommodation, including considering significantly higher rates for short-stay accommodation in residential areas.

Rental vacancy rates in Kingborough are extremely tight and many people face difficulty finding secure accommodation. Whilst we wait for new housing stock to come onto the market, we must act to take the pressure off the rental market by restricting, prohibiting or disincentivising the use of entire homes for short-stay accommodation in Kingborough.

Options to consider might include short-stay visitor accommodation permit caps for entire homes and whole dwellings, planning scheme amendments, additional transitory rating categories or other options not yet considered in the background to this motion.

A report to Kingborough Council about this issue will equip Councillors with the information to make evidence-based decisions on disincentivising the use of entire homes for short-stay visitor accommodation in our municipality.

Detailing measures taken by other Local Government Areas in Australia and jurisdictions overseas and recommending options for a similar course of action to be taken in Kingborough will be an important next step in our Council's bid to help fix the housing crisis.

Officer's Response

A report can be prepared outlining the options available.

Tasha Tyler-Moore, Manager Development Services

⁶ Noosa Council, 2021/22 Transitory Rating Categories, <https://www.noosa.qld.gov.au/downloads/file/1140/2021-22-transitory-rating-categories>,

⁷ Podwinski, I, ABC News, (2022), <https://www.abc.net.au/news/2022-03-29/hobart-city-council-airbnb-clamp-on-new-short-stay-properties/100945980>

19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

Tender Assessment - TS3166 Gormley Park Oval Upgrade

Regulation 15(2)(b), and (2)(d) *information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business, and contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Delegated Authority Rates

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	
22.1 Tender Assessment - TS3166 Gormley Park Oval Upgrade	
22.2 Delegated Authority Rates	

CLOSURE

APPENDIX

- A General Manager's Activities 25 July 2022 to 26 August 2022
- B Current and Ongoing Minute Resolutions (Open Session)
- C Kingborough Community Safety Committee - Minutes - 15 August 2022
- D Kingborough Bicycle Advisory Committee - Minutes - 19 August 2022
- E Quarterly Summary Action Report to June 2022
- F Councillor Attendance at Meetings from 1 July 2021 to 30 June 2022
- G Councillor Allowances and Expenses 2021/22
- H Donations 1 July 2021 to 30 June 2022

A GENERAL MANAGER'S ACTIVITIES 25 JULY 2022 TO 26 AUGUST 2022

25 July	Attended Council Workshop
28 July	Attended regularly scheduled meeting with representatives of Traders In Purple
1 August	In company with the Mayor, met with Minister Street
	Attended Council Meeting
2 August	Attended Greater Hobart GM's monthly meeting
5 August	Attended Audit Panel meeting
9 August	Participated in the Metropolitan Council GM's Weekly meeting
	Attended Hobart City Deal Implementation Board meeting
	Met with Ms Di Carter to discuss local government election
10 August	Attended Greater Hobart Advisory Group meeting
11 August	Attended the Copping Refuse Disposal Site Joint Authority Meeting
15 August	In company with the Mayor, met with Vice-Chancellor Professor Rufus Black
	Attended Council meeting
17 August	In company with the Mayor, attended Greater Hobart Mayor's Forum
19 August	Attended Greater Hobart Homelessness Alliance Forum
22 August	Met with Ms Phillipa Duncan and Mr Gary Magnusson to discuss storm damage
23 August	Participated in the Metropolitan Council GM's Weekly meeting
24 August	Attended the Greater Hobart City Committee meeting
25 August	Attended the Inaugural Huon Valley Jobs Hub Single Authority Board Meeting

B CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

STILL BEING ACTIONED	
Resolution Title	Civic Centre Flagpole Policy
Meeting Date	18 July 2022
Minute No.	C306/14-2022
Status	Ongoing
Responsible Officer	Acting Director Environment, Development & Community Services
Officers Comments	Revised draft to be considered at a future workshop
Anticipated Date of Completion	November 2022
Resolution Title	Speed Limit on Woodbridge Hill Road
Meeting Date	6 June 2022
Minute No.	C256/10-2022
Status	Ongoing
Responsible Officer	Director Engineering Services
Officers Comments	Preparing a submission for consideration of Transport Commission
Anticipated Date of Completion	October 2022
Resolution Title	Glyphosate
Meeting Date	7 February 2022
Minute No.	C54/2-2022
Status	Ongoing
Responsible Officer	Acting Director Environment, Development & Community Services
Officers Comments	Matter deferred pending the release of international research. A report will come to Council after that research has become publicly available.
Anticipated Date of Completion	June 2023
Resolution Title	Kingborough Bicycle Advisory Committee
Meeting Date	3 May 2021
Minute No.	C211/8-2021
Status	Ongoing
Responsible Officer	Manager Development Services
Officers Comments	Awaiting direction from the Planning Commission as to when the Scheme may progress
Anticipated Date of Completion	August 2022
Resolution Title	Petition: Development of Walking Track in Spring Farm and Whitewater Park Estates to Connect to Huntingfield
Meeting Date	1 March 2021
Minute No.	C94/4-2021
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	To be undertaken as a capital project in 2022/23
Anticipated Date of Completion	June 2023
Resolution Title	Properties for Disposal
Meeting Date	26 October 2020
Minute No.	C626/20-2020
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Three properties sold
Anticipated Date of Completion	December 2022

Resolution Title	Hobart City Deal and Implementing the Kingston Place Strategy
Meeting Date	13 July 2020
Minute No.	C397/13-2020
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	A major project which will be ongoing for the next three years and regular reports will be provided to Council
Anticipated Date of Completion	Ongoing
Resolution Title	Funding for Public Infrastructure Required to Support Large Sub-divisions
Meeting Date	22 July 2020
Minute No.	C429/14-2020
Status	In progress
Responsible Officer	Director Environment, Development, Community
Officers Comments	LGAT has released a discussion paper (April 22) which is being reviewed by officers to provide feedback. LGAT's advocacy is ongoing.
Anticipated Date of Completion	Unknown
Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	This is to be revisited following the completion by the State government of the Huntingfield park and ride.
Anticipated Date of Completion	December 2022
Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	Ongoing
Responsible Officer	Chief Information Officer
Officers Comments	Security review component completed by independent auditors. An independent audit of Council's ICT security controls with a focus cyber security, including assessment against the Essential Eight threat mitigation strategies has been completed by WLF. The findings and recommendations have been submitted to the Audit Panel. This activity, which was funded through the internal audit program, covers off on a significant part of the resolution which sought to identify and "lower risks" and highlight "areas for improvement". The remaining components such as identifying opportunities to improve service delivery or reduce service delivery costs across its operations have yet to be independently reviewed.
Anticipated Date of Completion	Security/Risk - April 2022. Balance yet to be funded

C KINGBOROUGH COMMUNITY SAFETY COMMITTEE - MINUTES - 15 AUGUST 2022

File Number: 5.476

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

MINUTES

Kingborough Community Safety Committee

Meeting No. 2022-4

Monday 15 August 2022

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a green swoosh underline.

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 15 August 2022 at 2:00pm.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Sue Bastone	✓	
Members:	Mr Michael Brough	✓	
	Mr Jarrod Coad	✓	
	Ms Tania Flakemore		✓
	Ms Kate Lucas	✓	
	Mr David McLoughlin		✓
	Mr Keith Pardoe	✓	
	Ms Colleen Ridge	✓	
	Mr Rodney Street	✓	
Tasmania Police	Insp Mark Burke	✓	
	Sen Sgt Peter Borish	✓	
Kingborough Access Advisory Committee Representative	Dr Don Hempton	✓	
Kingborough Bicycle Advisory Committee			✓
Council Officers In Attendance:			
Executive Officer	Mr Anthony Verdouw	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which the Committee met and acknowledged elders past and present.

LEAVE OF ABSENCE

Michael Brough – 10 October 2022

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

MOVED: Keith Pardoe
SECONDED: Don Hempton

That the Minutes of the Committee meeting held on Monday 20 June 2022, as circulated, be confirmed.

CARRIED

GENERAL BUSINESS**1. Review Action Items from previous meeting** (Sue Bastone)

Discussed completed action items and actions still unresolved.

Action 1: Staff to contact Metro and enquire if they have any safety concerns with routes along Roslyn Avenue.

Action 2: Staff to follow up if it's possible to place two speed trailers on the Kingston Bypass/Southern Outlet during an upcoming school holiday period.

2. Tasmanian Police Crime and Traffic Statistics (Mark Burke)

Inspector Burke provided a report on the Kingston Division's crime and traffic statistics.

3. Speed Limits (Sue Bastone)

Michael Brough provided a draft speed limit information sheet and checklist for Committee and staff review.

Action 3: Staff to review the speed limit review checklist and forward to local community groups for information.

4. Graffiti

Council officers advised of an increase in graffiti in Kingston and Blackmans Bay areas.

TasPolice noted these incidences and indicated additional passing attention to the areas of concern.

5. Correspondence

- a. Additional linkways for lighting – Jarrod Coad – 3 Aug 22

6. Other Business

- Kingston Beach – one member raised a safety concern regarding the new timber and steel structures placed around the foreshore gum trees.

Depot staff have advised that the planter boxes were considered a more appropriate short to medium term solution, as the remainder of the Kingston Beach Master Plan is developed in coming years. The intention is to tidy up all the old brick planters as they are damaged and starting to move as the trees age.

- Kingston Beach and Blackmans Bay Beach – timber/debris washing up on beaches in rough conditions.

Depot staff have advised that debris washing up can be raised as a service request with each request assessed on its merits for deployment of resources.

MATTERS OF GENERAL INTEREST

NEXT MEETING

The next meeting of the Committee is Monday 10 October 2022 at 2:00pm

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 2:54pm.

Public Copy

Kingborough Community Safety Committee

Meeting Dates for 2022

Meetings are where possible held on a Monday every second month at 2pm
in the Council Chambers, Kingston

10 October

12 December

Action Items					
Meeting #	Action Number	Description	Responsibility of	Due Date	Complete
2022-4	1	Staff to contact Metro and enquire if they have any safety concerns with routes along Roslyn Avenue.	Anthony Verdouw	10/10/22	<input type="checkbox"/>
2022-4	2	Staff to follow up if it's possible to place two speed trailers on the Kingston Bypass/Southern Outlet during an upcoming school holiday period.	Renai Clark	12/12/22	<input type="checkbox"/>
2022-4	3	Staff to review the speed limit review checklist and forward to local community groups for information.	Anthony Verdouw/Renai Clark	10/10/22	<input type="checkbox"/>
2022-1	2	Committee members to identify priority locations where new public lighting could be installed for staff to review.	Committee Members / Anthony Verdouw	Ongoing	<input type="checkbox"/>
2022-3	1	Roslyn Avenue and Garnett Street intersection – Cr Bastone to organise a site visit on corner of Roslyn Ave and Garnett St with Renai Clark and Rod Street to discuss is ongoing community concerns. <i>Sight distance exceeds the minimum recommended. Motorists exiting Garnett Street only need to make a 2 second observation at most to decide if it's safe to enter Roslyn Avenue. Parking restrictions are not necessary.</i>	Renai Clark	15/8/22	✓
2022-3	2	Subcommittee to prepare a speed limit review checklist/proforma which can be used as a guide for community groups to prepare requests for speed limit reviews.	Cr Bastone	15/8/22	✓
2022-3	3	Staff to investigate if a traffic counter can be installed on Leslie Road up from the quarry to gather data on current vehicle movements. <i>Due to the volume of heavy vehicles, particularly B-doubles and Truck and Trailers I am reluctant to install Council's pneumatic tube counters as the tubes will likely get damaged. HBMI may keep daily supply records that could give indicative truck volumes, I will follow up.</i>	Renai Clark	10/10/22	✓
2022-3	4	Staff to follow up why yellow no parking lines have not been reinstated at Village Drive intersection.	Renai Clark	15/8/22	✓

			Staff are aware and are waiting on linemarking contractors to complete the work.				
2022-3	5	Bus stop locations would be a matter for Metro, but Council staff to review issues and raise concerns with Metro if appropriate. It is a bus stop for a short duration and is located in a similar location to many bus stops around Tasmania. The bus stop is far enough away from the junction that motorists can pull out of Pearsall Street with caution or wait until the bus departs. It is considered a minor inconvenience only.	Renai Clark	15/8/22	✓		
2022-2	2	Lorikeet Street and Redwood Road intersection. Suggestion that a Give Way sign or line marking would be appropriate at this intersection. Staff to assess. The intersection of Redwood Road and Lorikeet Street is a standard T-junction where it is obvious to motorists that Redwood Road is the major road and Lorikeet Street is the minor road. The default T-junction rule applies and GIVE WAY signs and HOLD LINES are not required.	Renai Clark	20/6/22	✓		
2022-2	3	Staff to forward safe speeds for schools trailer schedule for 2022 to Committee members.	Anthony Verdouw	20/6/22	✓		
2022-2	4	Cr Bastone to discuss opportunities for National Road Safety Week with Council's Communications Officer.	Cr Bastone	15/5/22	✓		
2022-2	5	Anthony to update the Action Plan with amendments as discussed and email to Committee for review and endorsement.	Anthony Verdouw	15/4/22	✓		
2022-2	6	Staff to forward speed limit review requirements and criteria to the Committee.	Anthony Verdouw	20/6/22	✓		
2021-6	2	Investigate northern end of Auburn Rd and assess whether extending yellow no parking lines are warranted. There is a dividing line at the northern end of Auburn Road which prohibits motorists parking adjacent to. However, it has been observed that the dividing line is badly worn and so some motorists are now parking in that location. Council staff are arranging for the dividing line to be reinstated.	Renai Clark	1/02/22	✓		
2021-6	3	Investigate request to extend yellow no parking line down left-hand side of Rollins Avenue. All residents of Rollins Avenue protested to the proposal to implement parking restrictions in their street. Other than a couple of occasions where the garbage truck could not negotiate the street, Council has not received any complaints from motorists being unable to travel the road. Council has contacted the residents requesting them not to park in the street on Monday mornings to allow the garbage truck to collect bins and since then we have had no further instances where the garbage truck could not get through. Rollins Avenue is an urban access road used primarily by	Renai Clark	1/02/22	✓		

			immediate residents. Unless immediate residents raise concerns, Council's engineering staff do not consider the street poses a high risk to vehicular or pedestrian safety and consider that an extension of the NO STOPPING zone down the left-hand side of Rollins Avenue is not required.				
	2022-1	I	Committee members to review previous action plan and email Cr Bastone ideas for consideration to be discussed at the next KCSC meeting.	Committee Members	4/4/22	✓	
	2021-6	I	Kingston Police to investigate if incidents involving cyclists can be included in the traffic statistics provided to the Committee.	Mark Burke	1/02/22	✓	

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D KINGBOROUGH BICYCLE ADVISORY COMMITTEE - MINUTES - 19 AUGUST 2022

File Number: 28.114

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

Minutes

Kingborough Bicycle Advisory Committee

Meeting No. 2022-4

Friday 19 August 2022



MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee be held at the Kingborough Civic Centre, Kingston, on Friday 19 August 2022 at 9:00am.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Amanda Midgley	✓	
Members:	Ms Suzanne Betts	✓	
	Mr Isaac Forster	✓	
	Mr David McQuillen		✓
	Mr Dylan Robbins		✓
	Mr Rob Sheers	✓	
	Mr Peter Tuft	✓	
	Ms Angela Wilson	✓	
	Ms Ros Woodburn		✓
Cycling South	Ms Mary McParland	✓	
Bicycle Network	Ms Alison Hetherington	✓	
Council Officers In Attendance:			
Executive Officer	Mr Anthony Verdouw	✓	
Recreation Officer	Ms Su Sprott	✓	
Strategic Planner	Mr Adriaan Stander	✓	
Other Attendees:			
TasPolice	Sen Sgt Peter Borish	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we meet and acknowledged elders past and present.

LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

MOVED: Rob Sheers
 SECONDED: Peter Tuft

That the Minutes of the Committee meeting held on Friday 17 June 2022, as circulated be confirmed.

GENERAL BUSINESS1. Discussion with local Tas Police representative

Senior Sergeant Borish discussed road policing services, in particular in relation to pedestrians and cyclists. He encouraged cyclists to report all passing distance offences for police records and emphasised a collective and considered approach by all road users to ensure safety.

2. Tasmanian Planning Scheme update

Adriaan provided an update on strategic planning matters, including: the Greater Hobart Plan, State Planning Policies and the Tasmanian Planning Scheme (TPS).

He will present to the Committee again when the TPS is closer to being finalised.

Action 6 – Active travel provisions in new developments.

3. Cycling Strategy – Strategic and Advocacy Actions Review

Review and discussion of Strategic and Advocacy Actions – Appendix 1

Action 3 – Track counters:

- *Staff to follow up if extra track counters can be purchased.*
 - *Staff to examine options to present the track data graphically and set a regular counting period, for example monthly.*
- Su Sprott progressing both matters.*

Action 5 & Action 12 – Road safety audits to eliminate hazards for cycling – maintain existing network.

- KBAC members are invited to report on specific issues so a list can be collated.
- *Staff to follow up whether Council can incorporate traffic management references in the positive provisioning policy.*

Action 7 & 8 – Promote safe cycling and places to ride in Kingborough

- Council could support a Back on Your Bike course in Kingborough.
Anthony to follow up with Community Services.
- Topics for potential Kingborough Chronicle Articles:
 - Update/promotion of Kingborough Cycling Strategy
 - 1.5m passing distance photo with BNT mat, links to [Minimum Passing Distance](#) - rules on crossing centrelines to overtake

Action 10 – Wayfinding strategy – signage and mapping

- Action relates to footpaths and broader active transport strategies such as local links program.
- Noted new trails will need to be formally named before signage can be implemented.
- Action also involves updates and improvements to online maps.
- *Mary to liaise with Su regarding a focal point map for Kingborough.*
- *Anthony to forward links for current interactive maps on Council's website.*

Action 11 – Positive Provisioning Policy

- Policy will be prepared when Engineering resources are available.

4. Cycling Strategy – Infrastructure Actions Review

Review and discussion of Infrastructure Actions – Appendix 1

Action 15 – Channel Hwy Sealed Shoulders (Huntingfield to Margate section – State Growth projects)

- *Staff will invite a DSG representative to the October meeting.*

Action 16 – Mountain bike park improvements

Tender awarded for pump track upgrades.

Action 17 – Channel Trail – Kingston to Margate

- *Staff to arrange out of session meeting of Committee to discuss a KBAC response to the Margate to Huntingfield Feasibility study engagement when it is public.*
Engagement has not yet gone live.

Action 21 – Channel Hwy Taroona design

- Register of issues collated after site visit with staff. Register will help inform next steps and designs next FY.
- Letters have been sent to residents regarding moves to formalise the bike lane and prohibit parking.
- Ongoing project updates will be provided to the Committee.

Action 22 – Spring Farm to Sports Precinct

- Designs for this project are being finalised before going to tender.

Action 24 – Roslyn Ave design

- *Anthony and Rob Sheers to arrange initial project site inspection.*

Action 26 – Channel Trail – Snug to Lower Snug

- *Su to make enquiries with Property Officer regarding land ownership between Electrona and Snug and pathway access to the new Snug bridge.*

Action 27 – Taroona Safe Route to School

- *Amanda to follow up with Ella Haddad and to provide updates on the proposal and petition.*

5. Cycling South Report

Mary provided an update on Cycling South activities:

- **Huntingfield roundabout / interchange** – A small working group will be meeting with the consultants after the KBAC meeting. A lot of recent community feedback focused on the pathway connections through and around the proposed intersection upgrades.
- **Other projects in Greater Hobart** – Attended meetings regarding Macquarie Point, Tasman Hwy cycleway and New Town Rivulet Track.

- *Mary to inform KBAC when Greater Hobart AAA Network is approved and staff to add link to AAA network on Council website.*

CORRESPONDENCE

6. Incoming:

- a. KBAC - Road safety audits to eliminate hazards for cycling – Les Gardner – 27 July 2022

OTHER BUSINESS

MATTERS OF GENERAL INTEREST

7. Ride2work Day 2022

Ride2Work Day will be held on Wednesday 19 October 2022.

- *Amanda to follow up options for a staff event in Kingborough and a staff survey on barriers to staff cycling to work.*

8. E-bike Expo

Noted the recent EV expo in Snug included e-bikes.

NEXT MEETING

The next meeting of the Committee will be 9am Friday 14 October 2022 at the Civic Centre.

CLOSURE:

There being no further business, the Chairperson declared the meeting closed at 10:47am

Kingborough Bicycle Advisory Committee

Proposed Meeting Dates for 2022

*Note meetings are held bi-monthly on Fridays at 9:00am
in the Council Chambers, Kingston*

14 October
16 December

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Correspondence

KBAC - Road safety audits to eliminate hazards for cycling – Les Gardner - 27 July 2022

Dear Councillor Midgley (chair KBAC)

In reading the minutes of the most recent KBAC meeting 8/4/2022 (as below) please can you add, if not already listed, to a possible hazard list the extent of vegetation overhang that exists on the Algona Road. Some of the overhang restricts use of the road verge requiring veering more into the traffic.
Would I be correct that the road maybe State Growth responsibility not council

Additional to the list would also be remarking of the cycle lanes on the Channel Hwy - refer photos below



Action 5 & Action 12

– Road safety audits to eliminate hazards for cycling – maintain existing network. • KBAC members are invited to report on specific issues so a list can be collated.

Thank you and thanks to the Council staff for an improved access database on cycling matters within the municipality

Regards

Les Gardner

Appendix 1 – Cycling Strategy Action Tables:

Strategic and Advocacy Actions

Action	Project	Description	Time frame	Cost	Responsible Authorities	Funding	Progress/Outcomes
1	Ride to School Day and Ride to Work Day	Promote National Ride to School Day and Ride to Work Day through Council communication channels. Assess schools for rideability and barriers to greater cycling uptake.	Ongoing	Low	Council	Op	25 March 2022 Ride to School Day.
2	Commuter Counts	Continue to collect cycling data by participating in the annual Commuter Counts in March each year.	Ongoing	Low	Council	Op	Commuter counts undertaken 1 March 2022.
3	Install usage counters	Install counters to collect usage data on cycling routes and create an active transport data set for the municipality.	Ongoing	Low	Council	Op	
4	Bike Week	Support Bike Week events to encourage participation in cycling, such as the Kingborough Treasure Hunt.	Ongoing	Low	Council	Op	
5	Road safety audits to eliminate hazards for people cycling	Review road crossings on shared paths and around schools to assess whether safety improvements can be made, such as wombat crossings and pedestrian refuges. Where kerb outstands create 'pinch points' identify options for removing the hazard. Review speed limits in activity areas and on cycling routes.	Ongoing	Low	Council	Op	
6	Active travel provisions in new developments	Advocate for the development of standards for active travel infrastructure and facilities. Encourage new developments and subdivisions to align with the	Ongoing	Low	Council, Tasmanian Planning	Op	

Acti on	Project	Description	Time frame	Cost	Responsible Authorities	Fundi ng	Progress/Outcomes
		recommendations of the <i>Kingborough Footpath Policy</i> and the <i>Kingborough Cycling Strategy</i> endorsed by Council. Where appropriate require a 2.5m wide shared path alongside all collector roads and waterways in new developments. Encourage developers to incorporate bicycle parking in commercial and residential apartment developments.			Commission		
7	Promote safe cycling in Kingborough	Promote road safety campaigns developed by RSAC (Road Safety Advisory Council) and the Kingborough Community Safety Committee. Support and promote cycling education programs run by external agencies to provide bicycle education that increases skills and confidence.	Ongoing	Low	Council	Op	
8	Promote cycling routes and places to ride	Promote cycling-related tourism through provision of maps and online information about routes and destinations, such as Bruny Island.	Ongoing	Low	Council	Op	
9	Advocate for bike racks on buses	Advocate to MetroTas and the State Government to provide bike racks on buses on all local and regional bus routes.	Short	Low	Council, DSG	Op	
10	Wayfinding Strategy – signage and mapping	Develop and implement a Wayfinding Strategy, including improved signage and mapping for active travel throughout Kingborough.	Short	Low	Council	Op	
11	Positive Provisioning Policy	Adopt a Positive Provisioning Policy to incorporate cycling-friendly design in all Council projects.	Short	Low	Council	Op	

Infrastructure Actions

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
12	Maintain existing bike network	Ensure the principal bicycle network is reviewed annually to ensure bicycle infrastructure is safe and surfaces are free of significant bumps, holes, or other impediments. Any issues should be included in road resurfacing or other road maintenance schedules.	Ongoing	Council, DSG	N/A	Op	
13	Bike parking	Install bike parking based on an annual audit and community surveying and at key bus stops.	Ongoing	Council, DSG	Low	Op	
14	Water stations and bike repair stations	Install water fountains and bike repair stations based on an annual audit and community surveying.	Ongoing	Council	Low	Op	
15	Channel Hwy sealed shoulders – Kingston to Kettering	Liaise with Department of State Growth to advocate for road upgrades along the Channel Highway that include 1.5m sealed shoulders.	Ongoing	State Growth, Council	Low	Op	
16	Mountain bike park improvements	Continue to seek opportunities and funding to upgrade the facilities at the Kingston Mountain Bike Park to bring it to contemporary standards.	Ongoing	Council	Low	Ex	
17	Channel Trail – Kingston to Margate	Investigate and advocate for a shared path from Huntingfield to the end of the existing shared path in Margate.	Short	DSG, Council	Low	Cap / Ex	Consultant engaged by DSG undertaking Feasibility Study
18	Algona Road	Investigate and advocate for a shared path on the southern side of Algona Road between Roslyn Avenue and Huntingfield.	Short	DSG, Council	Low	Cap / Ex	
19	Firthside to Summerleas	Construct a mixed on-road and shared path route between	Short	Council, DSG	Mediu	Cap /	





Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
		Kingston High School and the Firthside Park & Ride.			m	Ex	
20	Huntingfield Park & Ride Connections	Construct shared path and safe crossings from existing shared paths to the Huntingfield Park & Ride.	Short	Council, DSG	Medium	Cap / Ex	
21	Taroona – Channel Hwy	Upgrade on-road cycling facilities along Channel Highway through Taroona.	Short	Council, DSG	Medium	Cap / Ex	
22	Spring Farm to Sports Precinct	Construct a shared path from the existing Whitewater Creek path, north to the sporting precinct.	Short	Council	Medium	Cap / Ex	
23	Huntingfield to Kingston CBD – Channel Hwy	Advocate and seek funding for protected cycling infrastructure along Channel Highway, between Huntingfield and Kingston.	Short	DSG, Council	Medium	Ex	
24	Roslyn Avenue - Kingston Beach to Blackmans Bay	Investigate options for an uphill bicycle lane from Algonia Road to Jindabyne Road. Investigate a shared path on the western side of Roslyn Avenue, including safe intersection upgrades.	Short	Council	Low	Cap	
25	Kingston to Kingston Beach	Investigate options and pursue opportunities for a shared path between Kingston and Kingston Beach.	Short	Council, Landowners	Low	Cap / Ex	
26	Channel Trail – Snug to Lower Snug	Construct a shared path between Snug and Lower Snug, starting from the existing shared path in Snug.	Short	Council, DSG	Very High	Cap / Ex	
27	Taroona Safe Route to School	Construct a mixed on-road and shared path route along Flinders Esplanade to Taroona Primary and High Schools, including modal filters and safe crossings.	Medium	Council, Education Dep.	Medium	Cap	
28	Sandfly Road – sealed shoulders	Improve on-road cycling infrastructure along Sandfly Road.	Medium	Council, DSG	High	Cap / Ex	
29	Blackmans Bay Beach Connections	Connect Tinderbox Road and Blowhole Road to Ocean Esplanade with cycling infrastructure.	Medium	Council	Medium	Cap	













Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
30	Blackmans Bay Shops Connection	Provide a cut-through path from Roslyn Avenue and the Blackmans Bay Shops.	Medium	Council, Landowners	Low	Cap	
31	Roslyn Avenue – Algona Road to Illawarra	Investigate providing a shared path from Algona Road to Illawarra Primary School.	Medium	Council	Low	Cap	
32	Gormley Drive and Kingston View Drive	Link a shared path from Summerleas Road to the Sporting Precinct via the Twin Ovals.	Medium	Council	High	Cap	
33	Margate to Dru Point	Investigate a shared path link from Margate to Dru Point.	Medium	Council, Landowners	Low	Cap	
34	Margate local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Margate.	Medium	Council	Low	Cap	
35	Snug local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Snug.	Medium	Council	Low	Cap	
36	Redwood Road to Algona Road	Investigate a shared path from the Maranoa Heights Reserve paths to Algona Road.	Medium	Council, DSG	Low	Cap	
37	Channel Trail – Lower Snug to Kettering	Investigate a shared path between Lower Snug and Kettering.	Medium	DSG, Council	Low	Cap / Ex	
38	Lower Snug to Coningham	Construct a shared path between Lower Snug and Coningham.	Long	Council	High	Ex / Cap	
39	Redwood Road to Kingston CBD	Investigate a shared path from Lorikeet Drive to the Kingston CBD.	Long	Council	Low	Cap	
40	Longley to Neika – sealed shoulders	Improve on-road cycling infrastructure on Huon Road between Longley and Neika.	Long	Council	High	Cap / Ex	
41	Harris Ct to Sherburd Ct path	Construct a path linking Harris Court to Sherburd Court.	Long	Council, Education	Medium	Cap / Ex	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
				Dep.			
42	Tingira Road to Ash Drive link	Investigate a shared path and/or on-road improvements, linking existing local tracks to Roslyn Avenue.	Long	Council	Low	Cap	
43	Ferry Road	Investigate improving active transport infrastructure along Ferry Road to Bruny Island Ferry Terminal.	Long	DSG, Council	Low	Ex	

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E QUARTERLY SUMMARY ACTION REPORT TO JUNE 2022

Key to Status Symbols			
			
None	On Target	Ahead of Schedule	Ongoing

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.1 A Council that engages with and enables its community							
Executive Management 2020 - 2025							
1.1.1 Ensure effective communication on council activities including through social, print and broadcast media	100	100		100	100		
1.1.4 Collaborate with Destination Southern Tasmania, the Huon Valley Council and the tourism industry to develop a tourism marketing strategy for the region south of Hobart	100	100		100	100		
1.1.5 Support the operations of the Kingborough Community Consultative Committee as a means of receiving feedback on Council's policies, strategies and projects	100	100		100	100		
1.2 An inclusive community that has a strong sense of pride and local identity							
Community Services 2020 - 2025							
1.2.1 Continue to partner, support, facilitate and deliver a variety of events (subject to public health/COVID 19 advice) to support and celebrate our business, visitor and residential communities	100	100		100	100		
1.2.2 Continue to progress initiatives under the Arts and Culture Strategy	100	100		100	100		
1.2.3 Maximise the usage of the Kingborough Community Hub as a focal point for community activities	100	100		100	100		
1.2.5 Develop and implement programs to support population cohorts who may be vulnerable or have specific and different needs, including through implementation of the Kingborough Youth Strategy and the positive ageing strategy	100	100		100	100		
Property Management 2020 - 2025							
1.2.4 In partnership with local community groups, develop heritage trails and interpretative signage for areas of historical and cultural significance	100	100		100	100		

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.3 A resilient community with the capacity to flourish.							
Community Resilience 2020 - 2025							
1.3.1 Continue to build strong working relationships within State and Local Government to ensure a robust emergency management capability exists in Kingborough	100	100	●	100	100	●	
Environmental Services 2020 - 2025							
1.3.2 Continue to develop and implement Council's Public Health Emergency Management Sub-Plan to guide the management of risks to the community.	100	100	●	100	100	●	Being undertaken routinely
1.3.6 Act as Council's key COVID response and information provider as well as providing support to immunization initiatives of the Government	100	100	●	100	100	●	Being undertaken routinely
Community Services 2020 - 2025							
1.3.3 Operate the Kingborough Volunteer Program to assist older residents to continue to live in the community with dignity	100	100	●	100	100	●	
1.3.4 Enhance organisational support for volunteering opportunities and recognise and celebrate volunteers in the community	100	100	●	100	100	●	
1.3.5 Provide support to community groups through a transparent and targeted provision of grants for community based projects	100	100	●	100	100	●	
1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond							
Environmental Services 2020 - 2025							
1.4.1 Implement the Kingborough Climate Change Action Plan 2019-2024 to reinforce Council's commitment to understanding climate change, the risk it poses and response strategies	100	100	●	100	100	●	Being undertaken as council approval mandate permits
1.4.2 Progress the development of an alternative energy precinct at the Barretta Waste Disposal Site	100	25	➡	100	25	➡	Solar farm proposal still in private financial limbo
Engineering Services 2020 - 2025							
1.4.3 Develop and Implement a Stormwater System Management Plan to address the management of the flood risk and within Council's urban drainage catchments	100	100	●	100	100	●	completed SSMP, now working on a Stormwater Strategy
Community Services 2020 - 2025							
1.4.4 Develop and implement a strategy for reducing Council's carbon footprint	100	100	●	100	100	●	

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.4.5 Continue to support community education on waste minimization	100	100	●	100	100	●	
1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities							
Kingston Park 2020 - 2025							
1.5.1 Complete the construction of the children's play space within Kingston Park to provide recreational opportunities for children of all ages and abilities	100	100	●	100	100	●	
1.5.3 Subdivide and sell the designated land parcels in accordance with the Kingston Park project delivery agreement and in partnership with the developer, Traders in Purple	100	75	→	100	75	→	Subdivision process not complete for all parcels.
Property Management 2020 - 2025							
1.5.2 Implement the Kingborough Open Space Strategy 2019 which provides direction on the planning, provision, development and management of public open space and recreational facilities in Kingborough	100	100	●	100	100	●	
Executive Management 2020 - 2025							
1.5.4 Implement the recommendations and strategies in the Bruny Island Destination Action Plan and Bruny Island Tourism Strategy	100	100	●	100	100	●	
Environmental Services 2020 - 2025							
1.5.5 Review and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	100	100	●	100	100	●	Being undertaken
Engineering Services 2020 - 2025							
1.5.5 Review and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	100	100	●	100	100	●	Continue to actively monitor and test and manage water quality via an interdepartmental group
2.1 Service provision meets the current and future requirements of residents and visitors							
Governance 2020 - 2025							
Kingston Park 2020 - 2025							
2.1.1 Complete the public road and stormwater infrastructure required to complete the Kingston Park development	100	90	→	100	90	→	

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
Executive Management 2020 - 2025							
2.1.2 Continue to lobby the State Government to improve public transport services within Kingborough	100	100	●	100	100	●	
Works Department 2020 - 2025							
Environmental Services 2020 - 2025							
2.1.6 Undertake statutory compliance duties and functions with regards to food safety, public health and environmental management	100	100	●	100	100	●	Being undertaken routinely
Development Services 2020 - 2025							
2.1.7 Provide high quality, accurate and timely advice in relation to building and planning requirements	100	90	➡	100	90	➡	
Community Services 2020 - 2025							
2.1.8 Implement new and improved systems for the maintenance and management of the Hub to maintain a quality, fit for purpose building for all users.	100	100	●	100	100	●	
2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population							
Property Management 2020 - 2025							
2.2.3 Review and update the Kingborough Sport and Recreation Strategy to provide a coordinated and strategic approach to the development and management of Council's recreational facilities	100	100	●	100	100	●	Goshawk Way construction underway.
Engineering Services 2020 - 2025							
2.2.2 Develop and implement a CBD Masterplan and associated Central Kingston Parking Strategy	100	100	●	100	100	●	
2.2.4 Deliver the annual infrastructure Capital Works program	100	100	●	100	100	●	
2.2.5 Review Asset Management Strategy	100	100	●	100	100	●	LTAMP reviewed, updated and approved by Council
Executive Management 2020 - 2025							
2.2.6 Collect and analyse data to develop an evidence based economic profile of Kingborough which will support strategic growth, land use planning and economic development activities	100	100	●	100	100	●	
2.2.7 Work collaboratively with other stakeholders as part of the Hobart City Deal and Greater Hobart Act, ensuring both regional cohesion and strong representation of Kingborough's needs	100	100	●	100	100	●	

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
2.2.8 Advocate for an appropriate level of hard and soft infrastructure provision by Federal and State Government in recognition of the fast pace of growth for Kingborough	100	100	●	100	100	●	
Development Services 2020 - 2025							
2.2.9 Develop a precinct plan for the Kingston CBD which supports and strategic land use and economic growth.	100	40	→	100	40	→	
2.3 Community facilities are safe, accessible and meet contemporary standards							
Community Services 2020 - 2025							
Property Management 2020 - 2025							
2.3.2 Implement the Kingborough Public Toilet Strategy and ensure effective provision, upgrading and maintenance of Council owned public toilets throughout the Municipal Area	100	100	●	100	100	●	
Works Department 2020 - 2025							
Building Maintenance 2020 - 2025							
2.3.5 Implement schedule of inspections of community facilities	100	100	●	100	100	●	
2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability							
Works Department 2020 - 2025							
Information Services 2020 - 2025							
Executive Management 2020 - 2025							
2.4.3 Develop an operational plan which clearly articulates the values, key results areas, performance measures and deliverables for the organisation and that this plan is clearly conveyed to all employees	100	100	●	100	100	●	
2.4.4 Implement the Kingborough Council Leadership Framework for managers and supervisors as a key driver of continuous improvement and accountability	100	100	●	100	100	●	
Financial Services 2020 - 2025							
2.4.5 Review the Long Term Financial Plan to ensure the strategic actions identified in the Plan are delivered and implement strategies to improve the financial performance of the organisation	100		—	100	75	→	
2.5 Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment							
Organisational Development 2020 - 2025							
2.5.2 Develop and implement the annual Workforce Plan which sets the priorities for workforce	100	100	●	100	100	●	Workforce Plan was approved in February 2022

Description	Result			YTD Result			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
strategies, learning and development programs and resourcing capacity							
2.5.3 Undertake the biennial employee engagement survey and link the results into the Workforce Plan	0		—			—	
2.5.4 Review the Council's Work Health and Safety Management Plan and System and deliver the identified WHS strategies to meet Council's obligations under the Work Health and Safety Act 2012 (Tas)	100	100	●	100	100	●	WHS Management Plan and Systems have been reviewed and approved.
2.5.5 Implement and deliver an annual employee health and well-being program with a key focus delivering the community action plan for mental health	100	100	●	100	100	●	Recent activities include the delivery of a Lunchbox Learning program for staff.
3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth							
Development Services 2020 - 2025							
3.1.1 Improve the process for compliance on illegal vegetation removal based on recommendations from the compliance audit	100	75	→	100	75	→	
Environmental Services 2020 - 2025							
3.1.1 Improve the process for compliance on illegal vegetation removal based on recommendations from the compliance audit	100	75	→	100	75	→	Delayed during development of Trees on Private Property By-law. Planning Compliance program ongoing.
3.1.3 Deliver biodiversity offset projects under the Kingborough Environmental Fund Implementation Plan 2019-2023	100	75	→	100	75	→	Some actions outstanding due to delays in finalising conservation covenants on private land.
3.1.4 Continue to protect, manage and monitor the network of bushland, riparian and coast reserves under Council's care	100	100	●	100	100	●	Management ongoing
3.1.5 Continue to implement solutions to improve water quality and quantity impacts from stormwater in urban waterways	100	100	●	100	100	●	Three new creek maintenance plans completed. Maintenance works completed on constructed stormwater management wetland systems.
Compliance 2020 - 2025							
3.1.1 Improve the process for compliance on illegal vegetation removal based on recommendations from the compliance audit	100	75	→	100	75	→	Development of Tree By-Law underway.
3.3.2 Implement the Kingborough Dog Management Policy 2018 and provide education and enforcement of restrictions in areas with environmental values	100	100	●	100	100	●	

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
3.2 A community that has a well-developed sense of natural and cultural heritage							
Environmental Services 2020 - 2025							
3.2.2 Provide a variety of opportunities for the community to actively participate in the conservation and management of our natural areas, flora and fauna through on ground activities, contribution to	100	100	●	100	100	●	A number of events held including Puppets in the Park (roadkill focus), Seniors Walk at Dru point, World Wetlands Day at Browns River, Stormwater to Sea stencil program with schools, bushcare activities with three schools.
3.2.3 Foster positive working relationships with landcare groups across the municipality, coordinating the network of volunteers to achieve good environmental outcomes	100	100	●	100	100	●	Ongoing support for groups including technical advice, tools, plants, training and WHS support,
3.2.4 Foster community interest and involvement in the management of invasive weeds through actions contained in the Weed Management Strategy 2017-2027	100	100	●	100	100	●	Education and support for landowners on Bruny Island to manage emerging weed threat, Serrated Tussock. Advice provided to landowner requests.
3.2.5 Implement the North West Bay River Catchment Management Plan in partnership with the community and key land managers in the catchment	100	75	→	100	75	→	Delays in delivery due to staff resource re-allocation. Resourced for 22-23
3.3 Council is able to demonstrate strong environmental stewardship and leadership							
Engineering Services 2020 - 2025							
3.3.1 Implement the Kingborough Waste Management Strategy 2018 to deliver cost effective and efficient waste and recycling services to residents, improve recycling rates, reduce emissions and energy	100	100	●	100	100	●	
Environmental Services 2020 - 2025							
3.3.3 Support and lead environmental projects through the provision of technical advice and the provision of plants from Council's native nursery	100	100	●	100	100	●	12 000 plants grown in bushland nursery and planted at 45 sites by staff, Landcare groups, community and schools. Environmental management advice provided for Capital Works and Council projects.
3.3.4 Manage the natural area reserve through the development and implementation of both new and existing reserve management plans	100	75	→	100	75	→	Reserve management ongoing. Data review and analysis complete Alum Cliffs Reserve Management Plan.
3.3.5 Continue to provide leadership in responsible cat management including through introduction of new Cat Prohibited Areas and the pilot Bruny Island community ranger project.	100	100	●	100	100	●	Programs being implemented
3.3.6 Deliver a range of events, information and opportunities to encourage exploration of local reserves and increased knowledge in land management	100	100	●	100	100	●	Information provided to landowners as requested. Guided reserve walks, nature play, citizen science and planting activities delivered in reserves.

	Result			YTD Result			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
3.4 Best practice land use planning systems are in place to manage the current and future impacts of development							
Development Services 2020 - 2025							
3.4.2 Participate in a review of the Southern Regional Land Use Strategy	100	25	→	100	25	→	
Environmental Services 2020 - 2025							
3.4.4 Progress implementation of the Barretta Environmental Management Plan	100	100	●	100	100	●	Being undertaken routinely
3.4.5 Implement the Kingborough Weed Management Strategy 2017-2027	100	100	●	100	100	●	Priority actions completed including mapping and control of new and emerging weed threats, Strategy for Spanish heath containment completed. Strategic weed control completed across reserves, parks and roadsides.
3.5 Management of environmental assets is based on professional advice and strategic planning							
Environmental Services 2020 - 2025							
3.5.2 Implement recommendations from the Coastal Hazards Prioritisation Project and Bushfire Risk Reduction Strategy for Council land	100	100	●	100	100	●	Bushfire Risk Mitigation Program ongoing. Coastal Hazards prioritisation program paused due to development of strategic coastal hazards program.
3.5.3 Contribute to projects that improve the health of local waterways and coastal areas through the Derwent Estuary Program	100	100	●	100	100	●	Ongoing work with DEP programs including saltmarsh and estuary management, little penguin program and regular litter removal on beaches and in waterways.
3.5.4 Collaborate with key stakeholders to contribute to the recovery of threatened species and threatened vegetation communities using innovative methods and the latest research	100	100	●	100	100	●	Supported threatened species recovery actions including the restoration and management of areas of key habitat, community education and mitigating threats through the provision of advice and controls in Council works.
3.5.5 Develop and implement a biodiversity monitoring program for natural area reserves to improve knowledge of the values present and facilitate adaptive management programs	100	100	●	100	100	●	Ongoing monitoring in bushland reserve network
3.5.6 Continue to implement the Bushfire Risk Reduction Strategy including reducing the risk from bushfire on Council land through the management of fire breaks, fuel trails and fire reduction burns	100	100	●	100	100	●	Program on track

F COUNCILLOR ATTENDANCE AT MEETINGS FROM 1 JULY 2021 TO 30 JUNE 2022

	Council		Special Meetings		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Paula Wriedt (wef 26/7/21)	23	22	3	3	5		17	16	22/1/2022 - 30/1/2022; 15/6/2022 - 27/6/2022, 25/3/2022 - 27/3/2022, 4/5/2022 - 6/5/2022
Deputy Mayor Cr Jo Westwood	23	21	3	2	5		17	16	20/09/2021; 25/10/2021 - 5/11/2021; 28/12/2021 - 21/1/2022,
Cr Sue Bastone	23	21	3	2	5		17	12	23/9/2021 - 1/10/2021; 2/10/2021 - 4/10/2021; 28/2/2022; 15/3/2022 - 20/3/2022; 17/5/2022 - 25/5/2022
Cr Gideon Cordover	23	23	3	3	5		17	17	
Cr Flora Fox *	23	22	3	3	5	4	17	16	
Cr Clare Glade-Wright (wef 26/7/21)	21	20	3	3	5		17	16	
Cr David Grace	23	11	3	3	5		17	5	22/9/2021 - 29/11/2021; 15/3/2022 - 15/5/2022
Cr Amanda Midgley	23	20	3	1	5		17	17	8/7/2021 - 15/7/2021; 1/10/2021 - 7/10/2021; 15/1/2022 - 29/1/2022; 27/4/2022 - 7/5/2022; 13/6/2022 - 16/6/2022
Cr Christian Street *	23	21	3	3	5	4	17	16	
Cr Steve Wass	23	21	3	1	5	0	17	13	4/4/2022 - 21/4/2022

Note: Special Meetings also includes the Annual General Meeting

* Audit Panel Member

Council Minute C390/14-12 determined that Councillor Attendance and Approved Leave of Absences be reported.

G COUNCILLOR ALLOWANCES AND EXPENSES 2021/22

Councillor	Mayoral Allowance \$	Deputy Mayoral Allowance \$	Councillor Allowance \$	Councillor Expenses						Total \$
				Mileage Claimed \$	Mayor's Vehicle Mileage \$	Bruny Ferry \$	Internet & Telephone \$	Conference & Meeting Attendance \$	Code of Conduct \$	
Mayor Cr Wriedt	73,063	-	31,299	-	1,844	76	-	1,275	-	\$ 107,557
Deputy Mayor Cr Westwood	-	21,579	31,056	-	-	-	306	-	-	\$ 52,941
Cr Bastone	-	-	31,056	-	-	-	-	-	-	\$ 31,056
Cr Cordover	-	-	31,056	-	-	-	-	-	-	\$ 31,056
Cr Fox	-	-	31,299	1,242	-	38	1,217	225	-	\$ 34,022
Cr Grace	-	-	31,299	1,578	-	76	914	-	540	\$ 34,407
Cr Midgley	-	-	30,570	-	-	40	-	-	-	\$ 30,610
Cr Street	-	-	30,570	-	-	-	-	-	-	\$ 30,570
Cr Wass	-	-	31,299	-	-	-	-	-	-	\$ 31,299
Cr Glade-Wright	-	-	29,226	-	-	-	-	375	-	\$ 29,601
Code of Conduct Complaints									316	\$ 316
TOTAL	\$ 73,063	\$ 21,579	\$ 308,733	\$ 2,820	\$ 1,844	\$ 230	\$ 2,437	\$ 1,875	\$ 856	\$ 413,437

Notes:

Cllrs Bastone, Cordover and Westwood declined the Nov 2020 Allowance increase in July to October but reverted to the full 2021/22 allowance in November.

Cllrs Midgley and Street declined the Nov 2020 Allowance increase, however accepted the Nov 2021 increase.

Cllr Glade-Wright joined Council during July and received a pro rata payment for that month.

Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.

Bruny Ferry costs are also included as required in Minute GF101/6-12.

Bruny Ferry = cost of fares at \$38 per trip from 01/11/2018

NUMBER OF CODE OF CONDUCT COMPLAINTS DETERMINED				
	Number of Complaints			Cost of Complaints
	Number	Upheld	Dismissed	
2021-22	1		1	\$ 316
Training required by a determination				\$ 540

H DONATIONS 1 JULY 2021 TO 30 JUNE 2022

Mayoral Donations		
Name	Amount	Description
Taroona High School	\$ 100.00	Donation for Presentation Fee
Bruny Island Arts Inc	\$ 250.00	Contribution to Christmas Carols Event
Scouts Association	\$ 927.00	Refund DA-2022-140 as donation
Blackmans Bay Primary	\$ 250.00	Contribution to fundraising
Tassie Mums	\$ 611.27	Refund DA-2022-75 as donation
Dean Winter	\$ 150.00	Contribution to Solstice Splash Fundraiser
Gynecological Cancer Research	\$ 400.00	Contribution to cancer research on behalf of Susan
	\$ 2,688.27	
Annual Budget	\$ 3,300.00	Budget reduced for revised policy moving Citizenship Awards to Donations

Council Policy Donations		
Name	Amount	Description
Taroona High School	\$ 100.00	School Citizenship Award 2021
Woodbridge School	\$ 100.00	School Citizenship Award 2021
Margate Primary School	\$ 100.00	School Citizenship Award 2021
Blackmans Bay Primary School	\$ 100.00	School Citizenship Award 2021
Kingston High School	\$ 100.00	School Citizenship Award 2021
Southern Christian College	\$ 100.00	School Citizenship Award 2021
Illawarra Primary School	\$ 100.00	School Citizenship Award 2021
Calvin Christian School	\$ 100.00	School Citizenship Award 2021
Taroona Primary School	\$ 100.00	School Citizenship Award 2021
St Aloysius Catholic College	\$ 100.00	School Citizenship Award 2021
Bruny Island District School	\$ 100.00	School Citizenship Award 2021
St Aloysius Catholic College	\$ 100.00	School Citizenship Award 2021
Snug Primary School	\$ 100.00	School Citizenship Award 2021
Kingston Primary School	\$ 100.00	School Citizenship Award 2021
Channel Christian School	\$ 100.00	School Citizenship Award 2021
Calvin Christian School	\$ 100.00	School Citizenship Award 2021
Miss Matilda Lange	\$ 100.00	Little Athletics Contribution
Kayla McPherson	\$ 100.00	Little Athletics Contribution
Isla Werkman	\$ 100.00	Little Athletics Contribution
Lily Carr	\$ 100.00	Little Athletics Contribution
Milah Hatten	\$ 100.00	Little Athletics Contribution
Charles Morgan	\$ 100.00	Little Athletics Contribution
Jason Reid	\$ 100.00	Special Olympics Contribution
Rebecca Lodge	\$ 100.00	Aust Athletics Team Champs Contribution
Campbell Norris	\$ 100.00	Aust Athletics Team Champs Contribution
Jagga Pybus	\$ 200.00	Athletics Australia U23 Contribution
Oliver Wilson (Sarah Wilson)	\$ 100.00	Contribution towards costs for Sthn States U/16 Rugby Squad
Hamish Grant	\$ 100.00	Contribution towards costs Rugby Tournament - Canberra
Thomas Cane	\$ 100.00	Contribution towards National Futsal Championships
	\$ 3,000.00	
Annual Budget	\$ 11,700.00	Budget increased for revised policy moving Citizenship Awards from Donations

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant ... for any purpose it considers appropriate ". "The details of any grant made ... are to be included in the annual report of the council " Section 77 (2).